

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19446-2023 (O&M)
Date of Decision:- 28.4.2023

Devinder Sandhu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr.Raman Walia, Mr. Nikhil Ghai and
Mr. Sidhanth Arora, Advocates, for the petitioner.

Mr. Siddharth Atttri, AAG, Punjab,
assisted by ASI Nirmal Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court challenging order dated 24.3.2023 whereby the learned Additional Sessions Judge, Special Court, SAS Nagar, Mohali, has declined his application seeking permission to go abroad.
2. The learned counsel for the petitioner submits that the petitioner is required to visit several countries in connection with his business and as a matter of fact he had previously also been granted permission by this Court vide order dated 25.8.2022 passed in CRM-M-16262-2022 (Annexure P-5) when he was permitted to go abroad for a period of 2

months and that he had duly returned back after availing the said concession and had not misused the said concession in any manner.

3. Learned counsel has further submitted that the petitioner has been cooperating with the investigation and shall keep on doing so.
4. The State counsel while opposing the petition has filed its reply in the shape of affidavit of Sukhnaaz Singh, Deputy Superintendent of Police, Cyber Crime & Financial Crime, District SAS Nagar, wherein a stand has been taken that since the investigation in the matter has not concluded and the petitioner happens to be involved in one more case and that since huge amount is involved, there is every likelihood that the petitioner may flee from justice.
5. This Court has considered the rival submissions.
6. The FIR was lodged on 17.9.2020 and investigation somehow has not concluded till date. The petitioner had been granted a similar concession vide order dated 25.8.2022 passed in CRM-M-16262-2022 and there is nothing on record that he had ever misused the said concession. In these circumstances, the petitioner can well be granted the said concession again as it is in connection with his business that the petitioner is required to go abroad. The petition, as such, is accepted and the impugned order dated 24.3.2023 (Annexure P-1) is set aside. The petitioner is permitted to go abroad to the countries as per schedule mentioned in Annexure P-3 subject to the following conditions:

- (i) The petitioner shall not seek extension of the period of his stay abroad on any ground whatsoever except in case of medical emergency and shall return to India by 11.7.2023.
- (ii) The petitioner shall not visit any other country except the schedule/countries mentioned in Annexure P-3.
- (iii) That the petitioner shall deposit FDR to the tune of Rs.1 crore before the trial Court which he shall not be entitled to encash without the permission of this Court. The trial Court shall direct the Branch Manager of the Branch concerned not to entertain any request for encashment of FDR/FDRs except under order of the Court. The said amount shall be forfeited to State in case there is any violation of conditions on the part of the petitioner;
- (iv) That the petitioner after availing the aforesaid concession shall inform the trial Court by 15.7.2023. The trial Court shall thereafter order for release of the FDRs, upon being *prima facie* satisfied that there has been no violation of any condition.
- (v) The petitioner shall furnish surety of Rs.2 crores to the satisfaction of the trial Court.
- (vi) The petitioner after availing the aforesaid concession shall deposit his Passport before the trial Court either in this case or in the other case which is also stated to be pending and wherein in fact some directions had already been

issued for deposit the Passport after availing the said concession.

7. The petitioner shall furnish personal undertaking as regards willingness to abide by aforesaid conditions, before the trial Court. Apart from the above mentioned conditions, the Trial Court shall also be at liberty to impose any other condition at the time of accepting undertaking.

28.4.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No