

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

125

Criminal Misc. No. M- 30233 of 2023

Date of decision :-03.07.2023

Devender Jain

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Anoop Verma, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

NIDHI GUPTA J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for seeking permission to go abroad i.e. Dubai for a period of ten days i.e. from 18.07.2023 to 28.07.2023, in case FIR No.80 dated 15.3.2019, under Sections 376(2)(n), 180 and 506 IPC, registered at Police Station Sushant Lok, Gurugram.

Learned counsel for the petitioner submits that the petitioner is a law abiding citizen of India and resident of the address mentioned in the Memo of Parties of the present petition. He is running a CA firm, also share holder and financial advisor of M/s Vas Tech Ecosystem Private Limited having UEN No.202203278K and has been invited by the said company for the business meeting, which is going to be held in Dubai during 18th July 2023 till 28th July 2023 and it is most urgent for the petitioner to attend the same as it involves

the livelihood of the petitioner. He further submits that the petitioner is ready to abide by any condition imposed by this Court and also undertakes not to misuse and abuse the liberty of concession and privileges confirmed by the Court. He has further submitted that infact the petitioner has been falsely implicated in the abovementioned FIR and has also filed a petition i.e. CRM-M-41310 of 2022 for quashing of the said FIR, which is pending for 25.09.2023 and proceedings before the learned trial Court has been stayed by this Court vide order dated 09.09.2022 in that very petition. The petitioner has already been granted the concession of anticipatory bail vide order dated 06.7.2021 passed in CRM-M-21367 of 2019 and vide order dated 30.3.2022, the said order dated 06.7.2021 was made absolute. The petitioner also undertakes that he shall not change his mobile number and will keep his Geo Satellite location turned on and shall attend the hearing as and when directed by this Court and shall surrender the passport to the trial Court immediately after returning to India.

Notice of motion.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana, accepts notice at the asking of the Court on behalf of respondent-State.

Learned State counsel submits that he has no objection, if the petitioner is allowed to travel upon furnishing of such an undertaking before the trial Court.

In these set of circumstances, the petition is allowed and the petitioner is permitted to go abroad i.e. Dubai from 18.07.2023 to 28.07.2023 subject to the following conditions :-

- i) The petitioner shall furnish necessary bail bonds before the Court below against his residential House No. C-1068, First Floor, Sushant Lok-1, Chakarpur, Gurugram;
- ii) The passport of the petitioner shall be released by the Court concerned by keeping a photocopy thereof on record;
- iii) The concerned Court shall ensure that the original passport of the petitioner is returned to the Court on or before 04.08.2023 after his return from Dubai;
- iv) The petitioner shall not be entitled to seek extension of his stay in Dubai except on account of emergency health conditions.

It is made clear that failure to comply with any of the aforesaid conditions would entail necessary consequences of dismissal of the appeal or forfeiture of bonds, as the case may be.

The petition stands disposed of.

July 03, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

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