

CRM-M-48873-2023
Decided on: 10.10.2023

...Petitioner

State of Haryana

...Respondent

Present: Mr. Sumeet Goel, Sr. Advocate with
Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
7	11.04.2022	State Vigilance Bureau Gurgaon, District State Vigilance Bureau	7 of Prevention of Corruption Act 1988 and Section 409 IPC

1. Seeking quashing of the order dated 16.09.2023 (Annexure P-5) passed by the Additional Sessions Judge, Narnaul, District Mahendergarh in the above captioned FIR, dismissing the application filed by the petitioner for issuing directions to the Vigilance Department, SVB, Gurugram for cancellation of look out notice and for release of the passport to the petitioner. Petitioner is further seeking permission to travel Dubai.

2. Petitioner's counsel submits that the petitioner wants to travel Dubai where he was previously working and his family is also residing there. He further submits that passport of the petitioner is with the investigator.

3. State counsel on instructions from Inspector Ishwar Singh, opposes the release of passport and permission to travel abroad for the reasons that a look

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out circular was already issued against the petitioner and he is at flight risk and filed reply dated 09.10.2023 in Court which is taken on record. Copy thereof supplied to the instructing counsel for the petitioner. He further submits that Forensic Science Laboratory already scheduled date for taking voice sample of the petitioner.

4. On this, learned senior counsel for the petitioner submits that the matter pertains to the year 2015 and the FIR was registered on 11.04.2023, whereas the petitioner has already gone to Dubai before the date of registration of FIR and as such, look out notice would be inconsequential.

5. Regarding the objection made by State counsel that the petitioner is at flight risk, petitioner's counsel submits that he has no objection if this Court while granting permission to travel abroad, imposes any stringent conditions and voluntarily submits that the petitioner will come back to India well before 18.01.2024, the date which is fixed for taking his voice sample. He further submits that in case, the petitioner does not return back on the above said date, State may proceed to cancel his passport.

6. Given the statement of the petitioner's counsel, I find force in his arguments because once the petitioner was not aware of the registration of the FIR, it cannot be said that he was intentionally fleeing from the country.

7. Given above, petitioner is permitted to travel Dubai subject to the following conditions:-

(i) The petitioner shall share the addresses where he would stay in Dubai and e-mail ID, on which the trial Court/Investigator shall serve the notice in case of need. Further, the applicant will share the contact number of himself, his spouse and the adult children with the investigator.

(ii) The petitioner shall keep the GPS location 'ON' of his phone and shall also share IMEI number of the phone full charged with international roaming pack. The applicant shall share other

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information with the State counsel before this Court. On receipt of such information learned counsel for the State shall pass on the same to the quarter concerned.

(iii) The applicant shall return from Dubai well before 18.01.2024 and shall appear before the trial Court or the place as directed by the investigator for giving voice sample and in case, charge-sheet is filed, then as and when called by the trial Court to do so.

8. Inspector Ishwar Singh is present in the Court and he is directed to handover passport to the petitioner. Petitioner shall return back one counter signed copy of the passport from page to page to the investigator.

9. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

10. Petition is allowed in the terms mentioned above. Impugned order dated 16.09.2023 is quashed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

10.10.2023
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.