

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-59179-2023
Date of decision: 20.12.2023

DEEPAK GUPTA

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gagan Oberoi, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the hereinafter extracted reliefs are sought:-

- (a) Setting aside the impugned order dated 06.11.2023 (Annexure P-11), as passed by the learned Magistrate concerned, in FIR No.194 dated 25.04.2021, under Sections 120-B, 406, 420 of the IPC, registered at P.S. City Fatehabad, District Fatehabad;
- (b) Allowing the application dated 25.10.2023 (Annexure P-9), as made by the petitioner, whereby, permission is sought to leave India for a period of three months;
- (c) Issuing directions upon the respondent No.2 to release the passport of the petitioner for a period of three months.

2. Reply by way of affidavit dated 16.12.2023 of Sh. Jaipal Singh, HPS, Deputy Superintendent of Police, HQ, Fatehabad, District Fatehabad has been filed on behalf of respondent-State. The same is taken on record.

3. The main grievance to the petitioner is caused by the order dated 06.11.2023, whereby, the application preferred by the petitioner, to release his passport and permission to go abroad was declined. The reasons for dismissing the application (supra) as revealed from the impugned order is that the petitioner had failed to produce any document to substantiate his claim that he has any business transaction, which requires him to visit Dubai and then subsequently to USA.

4. Learned counsel for the petitioner submits that the petitioner has to visit abroad, in relation to the real estate business and the petitioner cannot be prejudiced simply because of the pendency of the trial, in which his culpability is yet to be established by the prosecution. Learned counsel for the petitioner further submits that the petitioner has all the right to visit abroad to enhance his business. Learned counsel for the petitioner also submits that the petitioner will rejoin the trial and has no intent to delay the proceedings of the trial.

5. On the other hand, learned State counsel has drawn the attention of this Court, to the order passed by the Co-ordinate Bench of this Court on 23.09.2023, in CRM-M-43755-2023 & CRM-M-43760-2022, whereby, while extending the benefit of pre-arrest bail of the petitioner, there was a specific condition that the petitioner shall surrender his passport before the Investigating Officer and shall not leave without prior permission of this Court.

6. This Court has examined the order (supra) passed by the Co-ordinate Bench and do not find that the Court has restrained the petitioner to visit abroad, the only condition was put upon him to take prior permission of the Court.

7. This Court is satisfied that the petitioner, who is a businessman, has a right to visit abroad, to earn his livelihood, and for enhancement of his business prospects.

8. Accordingly, the present petition is allowed, the impugned order is set aside and the petitioner is allowed to go abroad from 01.01.2024 to 31.03.2024.

9. The petitioner shall file adequate security to the tune of Rs.26 lacs, to the satisfaction of the learned trial Court concerned. In case, the petitioner furnish

the adequate security before the learned trial Court concerned, the Investigating Officer shall release the passport of the petitioner, enabling the latter to visit abroad. On 04.04.2024, the petitioner shall cause his appearance before the learned trial Court concerned and re-surrender his passport.

10. Disposed of accordingly.

20.12.2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No