

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-3301-2024
Decided on: 14.02.2024

Shakti Sagar Bhatia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sarthak Soni, Advocate for the petitioner.

Mr. Gurpartap S. Bhullar, Asst. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	17.09.2020	Vigilance Bureau, FSI, Punjab at SAS Nagar	409, 420, 465, 467, 468, 471, 120-B IPC and Section 7(a)(b)(c) & 7-A, 13(1) read with Section 13(2) of Prevention of Corruption (Amendment) Act 2018

1. Aggrieved by the dismissal of application vide order dated 09.11.2023, passed by Additional Sessions Judge, Special Court, SAS Nagar, Mohali, seeking permission to travel abroad, the petitioner has come up before this court by filing the present petition under Section 482 CrPC.
2. I have heard counsel for the parties and gone through the record.
3. Petitioner had applied to visit Dubai from 20.11.2023 to 27.11.2023, however vide order dated 09.11.2023, Special Court, SAS Nagar, Mohali (Punjab), declined such prayer. Reasons for declining were gravity of allegations and likelihood of petitioner’s absconding. However, perusal of the order does not mention that what were the likely reasons that petitioner shall not return back to India and will abscond.
4. Petitioner has retired as Senior Town Planner from Municipal Corporation, Patiala on 30.06.2016, as such, there are so many benefits which are attached to his job and in case he fails to return, certainly it would affect all such regular accruals. In addition to that, petitioner’s counsel on instructions submits that petitioner be permitted to travel abroad and if he did not return till the stipulated time period, then State is at liberty to

proceed for cancellation of his passport. This undertaking i.e. cancellation of passport would lead to cancellation of all his visas and it would not be possible for him to stay abroad and his status would become as illegal immigrant.

5. Now the petitioner wants to travel to Dubai (United Arab Emirates) as well as United Kingdom from 10.03.2024 to 10.04.2024 and he has annexed the itinerary as Annexure P-3 and since the Sessions Judge had already declined the prayer for travel abroad, as such he has come up before this Court for the new dates because the previous plan could not be materialized due to declining of such prayers. In para 7 of the petition, petitioner declares that he wants to visit Dubai and UK with his family and in UK there is house warming party of his cousin brother Mr. Gaurav Bhatia, invitation of which is annexed as Annexure P-8.

6. The Deputy Inspector General of Police, Personnel, Punjab, Chandigarh, had filed a detailed reply, in which the entire FIR has been mentioned. In fact the entire reply focuses on the gravity of offence and points towards the serious nature of allegations. It also points out information of SIT to deal with the matter. In para 12 of the reply, the present prayer to visit abroad, is opposed on the ground that it is frivolous. In para 13, it has explicitly been mentioned that on reaching abroad, there is a possibility that petitioner might apply for political asylum.

7. Petitioner had filed a counter to the reply. In para 13 of the reply to preliminary submissions, it is explicitly mentioned that investigation is going for almost 4 years and no challan has been filed and even the main accused has been permitted to travel abroad twice. In para 12 of counter to the reply on merits, it has explicitly been mentioned that petitioner is a pension holder and he undertakes to return back to India on time and shall also surrender passport to the investigator, after returning back.

8. An analysis of the pleadings and the undertaking, points out that there is no material to presume that petitioner shall not return back to India or he is likely to take political asylum. Petitioner has retired from a senior post and nature of allegations are not that grave based on which this Court may prima facie form an opinion that petitioner is not likely to return back to India or seek political asylum. In fact allegations are of corruption, fraud and forgery, as such, there are no chances of grant of political asylum to petitioner when he is charged for various offence including corruption. Petitioner has specifically undertaken through counsel that in case he fails to return by 10.04.2024, his passport may be cancelled. Once passport is cancelled, it would certainly

reduce the petitioner's chances of taking political asylum.

9. In the entirety of facts and circumstances of the case, petition is allowed. The investigator is directed to return the passport of the petitioner without any delay, to enable him to apply for requisite process, subject to furnishing page to page photocopy of the same against proper receipt. Petitioner is permitted to travel abroad, subject to the following conditions:-

- (i) The petitioner shall share the addresses where he would stay in Dubai and UK and e-mail ID. Further, the petitioner will activate international roaming pack (valid till the date of his return) on phone number on which he would use whatsapp.
- (ii) The petitioner shall share the mobile number, whatsapp number and keep the GPS location ON of his phone and shall also share IMEI number of the phone. The petitioner shall share all this 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 petitioner shall return from Dubai and UK on or before 10.04.2024.
- (iv) Petitioner is directed to surrender back his passport latest by 15.04.2024.

10. It is clarified that in case the petitioner violates any of the conditions, then it may be construed against him while granting similar permissions in future and it shall be permissible for the State to file application for cancellation of petitioner's passport.

(ANOOP CHITKARA)
JUDGE

14.02.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.