



CRM-M-21149-2024

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and had once accompanied the co-accused. Learned counsel further submits that the petitioner had no link with the said alleged act. Learned counsel still further submits that the petitioner is permanent resident of Ludhiana with his roots in India and is ready to abide by any condition imposed upon him to go abroad.

3. Learned counsel for the respondent has vehemently opposed the submissions and prayer made by the counsel opposite. Learned counsel while placing on record the reply filed on behalf of the respondent has submitted that in case the applicant/accused is granted permission to go abroad, it is most likely that he would never return, and flee from the trial.

4. Heard the learned counsel for the parties and perused the relevant material available on record.

5. As has also not been disputed by the learned counsel for the CBI, the co-accused in the FIR in question against whom allegations have been levelled, was granted permission to travel abroad, and had always abided by the orders and conditions imposed upon him. It has also not been disputed that no challenge was ever made to the orders vide which the co-accused had been granted the permission to travel abroad.

6. In the facts and circumstances as enumerated hereinabove, the applicant-accused, if, intends to travel abroad, needs to be bound by certain terms and conditions, and which would be as follows: -



- (i) The petitioner shall not leave the country without informing the trial court a week in advance of his purported visit abroad.
- (ii) The petitioner shall furnish the complete itinerary along with the places and countries, which he would be visiting during his stay abroad.
- (iii) The petitioner shall furnish the addresses of the places along with his contact number during his travel abroad.
- (iv) On return to India, he shall intimate the trial court in writing about his return.
- (v) The petitioner shall not travel abroad during the period when the case is listed for hearing before the Court concerned unless and until his presence has been expressly dispensed with.
- (vi) In case the presence of the petitioner has been exempted, the trial will continue in his absence though it would be in the presence of his learned counsel and the evidence recorded during his absence shall be then binding upon him and he will not dispute his identity.
- (vii) The petitioner shall furnish bank guarantee/FDR in the sum of Rs.25 lacs issued by any Nationalized Bank with renewing facility, which shall be kept alive



till the pendency of the matter. The said FDR/Bank guarantee would be retained by the trial Court, till the trial is over.

- (vii) That the applicant/accused shall also place on record the original documents of the Registry of SCF area 160.55 sq. yard situated at village Fatehpur Awana Tehsil and District Ludhiana (Annexure P-7) before the Trial Court/Duty Court, which he shall not be able to sell without prior permission of this Court, and the documents of the said Registry shall be forfeited in case there is any violation of conditions by the applicant/accused.

With the aforesaid modifications, the present petition stands disposed of.

15.05.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No