



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

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CRM-M-24543-2024**Date of decision: May 17, 2024**

VIKAS KAUSHAL

...Petitioner

Versus

CBI

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mayank Mathur, Advocate
for the petitioner.

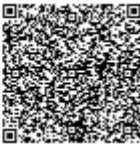
Mr. Ravi Kamal Gupta, Special Public Prosecutor
for respondent-CBI.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of order dated 23.02.2024 (Annexure P-1), vide which the application for permanent exemption filed by the petitioner has been rejected by the learned trial Court arising out of RC No.RCCHG2011A0020 dated 28.09.2011 (Annexure P-1/A) under Sections 420, 467, 568, 471 of the Indian Penal Code, 1860 read with Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, registered at Police Station CBI, ACB Chandigarh.

2. Learned counsel for the petitioner submits that the petitioner is an Assistant Manager at Bharat Petroleum in Noida, suffering from polio with 65% permanent disability, requiring the use of crutches and calipers. Due to his disability, he finds it difficult to travel long distances, specifically from Noida to Mohali for the hearing of his case. Therefore, he prays for personal exemption from appearing before the learned trial Court.

3. Learned Standing counsel for the CBI has opposed the prayer by
arguing that there are serious allegations against the petitioner for verifying



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documents without complying with SIDBI guidelines, which were then used to obtain loans. Learned Standing counsel for CBI also contends that the frequency of the hearings is not burdensome, as the petitioner needs to attend the hearing before the learned trial Court only about once a month and travels by his own vehicle driven by a driver and not by public transport.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. A perusal of the file reveals that the petitioner is seeking personal exemption on the basis of a disability certificate, as per which, he is 65% disabled. However, learned counsel for the petitioner has admitted that he is not bedridden or immobile. In fact, he is employed, and by his own admission, regularly attends his office in Noida and performs all his work both at the office and at home. Furthermore, it is noteworthy that the case hearings take place only once a month, which would not pose any significant inconvenience to the petitioner, moreso when he would be travelling on his own vehicle from Noida to Mohali.

6. In the facts and circumstances as enumerated hereinabove, no ground is made out to accept the prayer of the petitioner.

7. Accordingly, the instant petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 17, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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