



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM-M-26730-2024
Decided on: 27.05.2024

Vikas Sharma ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Suvir Sidhu, Advocate and
Mr. Ashutosh Gupta, Advocate
for the petitioner.

Ms. Swati Batra, DAG, Punjab (through VC).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
10	21.6.2019	Vigilance Bureau, Flying Squad, Mohali	409, 420, 465, 467, 468, 471, 120-B IPC and Sections 7, 13(1)(A) r/w 13(2) PC Act, 1988

1. Seeking permission to travel abroad, the petitioner who is on bail in the FIR captioned above, has come up before this court by filing the present petition under Section 482 CrPC.
2. Petitioner seeks permission to travel various countries like UK, USA etc. from 15.7.2024 to 15.5.2025 in order to ensure comfortable transition for his young daughter, who has been offered admission in various universities like Boston University, University of California, Michigan University etc. and also to explore his business opportunities. He further submits he has never violated the conditions imposed by this Court earlier while granting permission to visit abroad.
3. State's counsel has strenuously opposed such permission to the petitioner because there are serious allegations against the petitioner in above captioned FIR.
4. I have heard counsel for the parties and gone through the record.
5. Allegation against the petitioner is that he was one of the directors of HGCL, which



committed fraud on Government of Punjab through Chief Engineer concerned. However, no specific role was attributed to him in the Final Report dated 30.1.2020. Moreover, he had already resigned as Director on 18.8.2016. He is on bail in said case.

6. In para 2(k) of the petition, petitioner declares that he wants to visit various countries in order to facilitate his daughter's education as well as seeking business opportunities.

7. 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. 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 15.5.2025, his passport may be cancelled. Once passport is cancelled, it would certainly reduce the petitioner's chances of taking political asylum.

8. In the entirety of facts and circumstances of the case, petition is **allowed**. The investigator is directed to return the passport of the petitioner, if its lying with him/her, to enable the petitioner 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 his e-mail ID and addresse(s) where he would stay in UK, USA or any other country where he would visit. 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's 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 moment petitioner departs from a country and enters the other, he will immediately send an email and whatsapp message, to the investigator intimating his departure/arrival from/in that country;
- (iv) The petitioner will be bound to respond to all the investigator's queries through WhatsApp or email.



(v) The petitioner shall return from abroad on or before 15.05.2025 and report to the investigator on next working day;

9. 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.

Petition allowed. Application(s), if any, shall stand disposed of.

(ANOOP CHITKARA)
JUDGE

May 27, 2024
AK

Whether speaking/reasoned: Yes
Whether reportable: No.