

CRM-M-32351-2024

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32351-2024
Date of Decision: 17.07.2024

Anil Kumar Batra and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bhupeshwar Jaswal, Advocate
for the petitioner.

Mr. Swati Batra, DAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
16	02.05.2023	Vigilance Bureau, Phase-1, Mohali	409, 420, 465, 466, 468, 471, 201 & 120B IPC and Section 13(1)(a) & 13(2) of PC Act

The petitioners who were named in the above captioned FIR and were granted anticipatory bail by this Court vide order dated 11.10.2023, now come up before this Court under Section 482 CrPC, seeking permission to travel abroad for a period of six months.

2. In compliance to the order dated 10.07.2024, petitioner has handed over affidavit to the State counsel. Counsel for the petitioners submit that the learned trial Court has dismissed the application solely on the ground that investigation is still going on and the petitioners will not return back to India. It is not a ground to deny them permission to travel abroad. He further submits that petitioners' son and daughter-in-law reside at London and they have a baby also and now they want to go there to meet their children. It is also submitted that petitioners would come back within the stipulated period and not violate the order of the Court. In case of any violation, State may proceed for cancellation of their passport.

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3. Counsel for the State opposes the petition and submits that if this Court is inclined to grant permission to the petitioners to go abroad, then the same must be subject to some stringent conditions.

4. Given above, the petition is allowed and the petitioners are permitted to travel abroad and return back on or before 31.12.2024, subject to the condition that the petitioners shall hand over an affidavit, attested by a Notary Public or an Executive Magistrate to the Investigator/ Station House Officer of the concerned Police Station declaring the following:

1) Details of the Case:

FIR No.	Dated	Police Station	Sections

Details of all pending FIRs, Complaints, and criminal cases pending before any Court.

FIR No.	Dated	Police Station	Sections

Complaint(s) Number	Court

Details of pending criminal case(s) in all Courts

Petitioner’s details:

Name	
Mobile number	
e-mail ID	
Passport no.	
Correspondence Address	
Active Indian phone number with international roaming enabled	
Any international phone numbers the petitioner shall be using for travels	
Emergency contact details	
Contact details of Counsel representing the petitioner	

2) The above-mentioned e-mail and mobile number(s) are active and in use, and petitioner shall attend all calls and respond to the messages and e-mails from Investigator, Courts etc.

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- 3) That the petitioners shall attend the trial as and when called upon to do so.
- 4) That the petitioners shall join the investigation as and when required by the investigator by appearing either in person or via video conferencing when abroad.
- 5) That the petitioners acknowledges that in case of non-compliance, the consequence shall include but not be limited to forwarding of the undertaking to the authorities of the concerned country by the Government of India/ State Government/Investigator for deportation, extradition and cancellation of the petitioner’s passport.
- 6) That in case the petitioners violate any condition, the bail shall stand cancelled.

5 The petitioners shall either handover the original attested affidavit to the concerned Investigator or shall send it through Speed-post, with one copy to the Office of the Advocate General. The applicant shall be permitted to travel abroad after handing over/ posting the affidavits by Speed-Post.

6. It is clarified that this order shall not be construed as a direction to passport authorities to issue passport and this order shall not be read as No Objection from this Court for the purpose of issuance and renewal of passport. In case, petitioner has any issue in this regard, he will take appropriate legal remedies in accordance with law with liberty to come to this Court again and file separate application demonstrating the refusal or rejection of passport.

7. In case the petitioners do not return till 31.12.2024, it shall be permissible for the State to file application for cancellation of passport. It is further clarified that any Look Out Circular, if any issued against the petitioner in this FIR, shall remain stayed till 31.12.2024. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

17.07.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.