



CRM-M-38337-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38337-2024
Date of Decision: 13.08.2024

Paramjit Sachdeva ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Ms. Swati Batra, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
01	10.02.2017	Economic Offences Wing, Vigilance Bureau, District Ludhiana	409, 420, 467, 468, 471, 201, 120-B IPC and 13(1) (d) 13(2) of PC Act, 1988

1. Aggrieved by denial of permission to travel abroad by the Sessions Court, the petitioner has come up before this Court under Section 528 BNSS seeking permission to travel Canada for a period of one month.
2. In the impugned order, the objection by the State is duly mentioned and it was that investigation is at crucial stage and petitioner is a flight risk. Given above, the objections of the State in this Court have to be the same and consequently, there is no need for formal response from the State.
3. I have heard counsel for the parties and have gone through the pleadings and its analysis would lead to the following outcome.
4. State counsel opposed the petition on the ground that petitioner can be a flight risk. On this, counsel for the petitioner submits that he would voluntarily comply with any condition which this Court imposes and undertakes that he would not claim it as self-incriminatory or violative of Article 20/21 of Constitution of India or any other law. The Sessions Court rejected the application for the reason that petitioner in conspiracy with Anand Sagar Sharma who was posted as SDM-cum-CALA got compensation to the tune of Rs.80 lacs at commercial rates instead of agricultural land and admittedly his daughter is staying in Canada. The trial Court considering the crucial stage of investigation and the apprehension of the prosecution regarding flight risk denied the permission. Thus, stand of the State was clear in the impugned order whereby they have opposed the prayer to



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travel abroad on the grounds that petitioner can be flight risk. State counsel further submits that the cause for which the petitioner wants to go is not that important for which he cannot wait.

5. Petitioner wants to travel abroad to meet his newly born granddaughter who is born in Canada where his daughter resides. It may be extremely inaccurate for this Court to measure the emotional outcome of any human being. The emotional content and the desire to meet a grandchild would vary from person to person and societies to societies and their relationship. There is nothing before this Court to conclude that petitioner’s bond to meet his newly born granddaughter is so less that it would not cause any emotional or psychological harm to him, as such this Court is not entering the realm which belongs to psychologists, sociologists etc. The ground reality is that a large number of people from the State of Punjab have immigrated to various countries across the globe. It cannot be disputed that physical immigration would not be a complete de-attachment from the native place and its people. Similarly, the people left behind have the similar bond and desire to meet the people who have moved away. Although an accused’s presence is required to join investigation and in case of conviction, the convict’s custody but this rule cannot be absolute and it is subject to large exceptions which weigh more powerful than the rule itself. Thus, every fascination needs to be analyzed about flight risk and impact on investigation and a severe outcome of such analysis can alone be a ground for any Judge to restrain a person’s liberty to travel abroad. However, a person may have planned to return to India and while reaching abroad might change their plan and such risk cannot be ruled out. To ensure that traveler return back to face the trial and sentence where it is applicable, one of the safeguards would be that such persons declare their immovable properties along with criminal antecedents and bank accounts in India so that it becomes a catalyst in their return.

6. Given above, the petitioner is permitted to travel abroad subject to the condition that the petitioner 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:

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

Sr. No.	FI R No.	Date	Offences	Police Station	Status

Complaint(s) Number	Court



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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 use for travels	
Emergency contact details	
Contact details of Counsel representing the petitioner	

- 1)

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

The petitioner shall attend the trial as and when called upon.
- 3)

The petitioner declares all their immovable properties in India and verifies the self-attested list of such properties attached to this affidavit.
- 4)

The petitioner shall join the investigation as and when required by the investigator, appearing either in person or via videoconferencing when abroad.
- 5)

The petitioner acknowledges that in case of non-compliance, the consequence shall include, but not be limited to, forwarding 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)

If the petitioner violates any condition, the bail shall stand canceled.
7.

The petitioner shall either hand over the original attested affidavit to the concerned Investigator or send it through Speed Post, with one copy, to the Office of the Advocate General.
8.

The petitioner shall be permitted to travel abroad after handing over/ posting the affidavits by Speed-Post.
9.

If the petitioner does not return on time i.e. upto 20.09.2024, the State is permitted to apply to cancel the passport.
10.

Petition allowed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.08.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.