



CRM-M-39900-2024

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

(292)

CRM-M-39900-2024

Date of Decision : 12.09.2024

Gaurav Kirpal

...Petitioner

Versus

Central Bureau of Investigation

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Saurabh Kapoor, Advocate
for the petitioner.

Mr. Akashdeep Singh, Special P.P for the respondent-CBI.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, challenge is thrown to the order dated 03.08.2024 (Annexure P-1), passed by the learned Special Judge, CBI, Chandigarh, whereby, permission to the petitioner to travel abroad, was declined, which has caused grievance to the petitioner, which propelled him to file the instant petition, seeking quashing of order dated 03.08.2024 (supra).

2. Learned counsel for the petitioner, on asking for the relief (supra), submits that on an earlier occasion as well, the petitioner has travelled abroad twice, during the pendency of the instant FIR, and he has returned within the time frame, so he is not a person of flight risk. He further submits that petitioner is willing to abide the terms and conditions, as imposed by this Court earlier, while granting him the permission to go abroad, vide order dated 07.11.2023. Finally, he submits that the learned trial Court concerned, merely



on conjectures and surmises, dismissed the applications as preferred by the petitioner for the said relief. The learned trial Court, while declining the application observed that there is no details of any business meetings, that with whom the petitioner wants to meet/conduct meetings, was provided, and also observed that the petitioner can conduct the said meeting through video-conferencing, and proceeded to dismiss the applications, so preferred by the petitioner.

3. Learned counsel appearing on behalf of the respondent-CBI, also opposes the instant petition, and submits that the petitioner after returning from the abroad, within 21 days, has filed the instant application, and therefore, it will cause delay in the conclusion of the trial.

4. Learned counsel for the petitioner, while answering to the objections, as raised by the learned counsel appearing for the respondent-CBI, submits that he is not travelling abroad during the date fixed before the learned trial Court concerned. He further submits that next date before the learned trial Court concerned, is fixed for 27.09.2024, and learned counsel for the petitioner undertakes that the petitioner will cause his appearance on that date, though the petitioner is planning to visit three different countries, therefore, he requests that permission be granted for 15 days to visit Dubai and Abu Dhabi, and further 07 days visit each to Indonesia and Bangkok.

5. Learned counsel for the petitioner finally submits that on an earlier occasion, while travelling to abroad, the petitioner submitted a bank guarantee/FDR, which is lying pending before the learned trial Court concerned, and requests that the learned trial Court concerned, be directed not to press for furnishing of fresh FDR, in view of the order passed by this Court.



6. This Court has considered the rival submissions made by learned counsel for the parties concerned, and is of the view that the instant petition is amenable to be allowed for the reasons extracted hereinabove.

7. In view of the above, the petitioner is granted permission to travel abroad, as detailed above, and the petitioner shall abide by the following conditions :-

- (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.*
- (ii) 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*

8. In view of the facts and circumstances of the case, the instant petition is **allowed**, subject to furnishing of security of immovable property worth Rs.1,00,00,000/-, which shall remain intact, till the petitioner return back to India.

(KULDEEP TIWARI)
JUDGE

September 12, 2024
Manpreet

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