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

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CRM-M-61619-2024 (O&M)
Date of decision: 11.12.2024

Yadur Kapur and another **...Petitioners**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gautam Dutt, Advocate
for the petitioners.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioners under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking permission to travel abroad by giving prior intimation of their departure and arrival to the learned trial Court or the Investigating Agency instead of moving repeated applications for the said relief in a case arising out of FIR No. 92 dated 22.02.2020, registered under Sections 120-B, 406, 420, 467, 468 and 471 of IPC at Police Station Sector 53, Gurugram.
2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the aforesaid case by the complainant, who is real sister of petitioner No. 2 and sister-in-law of petitioner No. 1. A civil litigation with regard to subject matter of the present FIR is already pending before the Delhi High Court. However, despite that, the present FIR has been got registered. After registration of the FIR, the petitioners had been granted concession of anticipatory bail by the Court of learned Additional Sessions

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Judge, Gurugram, vide order dated 13.05.2020 (Annexure P-2) and they had joined the investigation. The petitioners had approached this Court by way of filing two separate petitions seeking quashing of the aforementioned FIR, whereby the investigating agency was directed to keep the entire matter on hold and the said interim order is still continuing and the petitions thereof are now pending for 11.12.2024. It is further submitted that the petitioners are having their business in India and own dealerships of several sports and luxury cars in Delhi. In connection with their business, they are required to travel abroad very frequently. However, in view of the condition imposed in the order dated 13.05.2020 passed by the learned Additional Sessions Judge, Gurugram, they had to move repeated applications before the learned trial Court seeking permission to travel abroad. The petitioners had moved applications on different occasions before the learned trial Court seeking permission to travel abroad and vide Annexure P-6 (*colly.*), they had been granted due permission in that regard. They had come back to India every time after completing their journey. Hence, they are not at flight risk. It is, therefore, urged that the petition deserves to be allowed and the petitioners may be granted a standing permission to travel abroad as per their business requirement after intimating the learned trial Court.

3. Learned State counsel, who has advance notice of the petition, has not disputed the factual position but submitted that since the matter is still under investigation, in the eventuality of granting standing permission to the petitioners to travel abroad, they may be directed to deposit some bank FDRs with the learned trial Court in order to ensure their presence before the Court or the Investigating Agency at the relevant time.

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4. I have heard learned counsel for the petitioners at considerable and have also gone through the record carefully.

5. The petitioners have been arraigned as accused in the aforesaid FIR, investigation of which has been put on hold since 05.11.2020, in pursuance of an order passed by this Court. The petitioners are stated to be well established businessmen, who require to travel abroad very frequently in connection with their businesses. A perusal of the record reveals that they had been granted permission to travel abroad by the learned Additional Sessions Judge, Gurugram on different occasions and had always come back to India after completion of their trips. Learned State counsel has not raised any serious objection to the prayer made by the petitioners. Keeping in view the aforesaid facts and circumstances, I am of the opinion that no prejudice will be caused to anyone if the petitioners are granted standing permission to travel abroad during the pendency of the investigation. Accordingly, the present petition is allowed. The petitioners, namely Yadur Kapur and Shibani Varma Kapur are granted a standing permission to travel abroad in connection with their business or private cause, subject to following conditions:-

- i. The petitioners shall deposit an FDR of Rs. 10 Lakhs each with the Area Magistrate in the name of the Court, which will remain deposited there till the completion of investigation. The petitioners will be entitled to seek discharge of the FDRs after completion of investigation by moving an appropriate application in that regard.
- ii. As and when, the petitioners need to travel abroad, they shall intimate the Area Magistrate in writing, detailing the itinerary of their visit to abroad,

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including flight number and address where they would reside in abroad as well as contact number on which, they could be contacted in abroad.

- iii. They will make themselves available before the Court concerned at the time of presentation of *challan* report, after completion of investigation.
- iv. They will not dispute their identity as accused;
- v. This order shall be operative only till the completion of investigation.

11.12.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No