

2025:PHHC:148687



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

299

CRM-M-26553-2025

Date of decision: 28.10.2025

SANJAY GUPTA

.... PETITIONER(S)

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sangram Singh Saron, Advocate for the petitioner(s).

Mr. Vaneesh Rai, DAG, Punjab.

Mr. Shaurya, Advocate for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 528 of the BNSS, 2023 (Corresponding to Section 482 of Cr.P.C.) and Section 483 (1) (b) of the BNSS (Corresponding to Section 439 (1) (b) Cr.P.C.) is for quashing of the order dated 04.02.2025 (Annexure P-10) whereby the application moved by the petitioner for modification of condition No.2 has been rejected. Certain other prayers have also been made which have not been pressed.

2. The brief facts of the case are that FIR No.150 dated 14.08.2018 (Annexure P-1) under Sections 420, 406 and 120-B of the IPC was registered against the petitioner and others.

3. The petitioner was granted the concession of bail and while doing so, the Court of Judicial Magistrate First Class, SAS Nagar passed the following order:-

“Arguments heard. Vide my separate order of even date the present bail application stands allowed and accused is ordered to be released on bail subject to the conditions:-

- (1) Furnishing of bail bonds in the sum of Rs. 10 lakh with one local surety in the like amount.*
- (2) That the accused shall surrender his passport before the court and also furnish an affidavit to the effect that he did not have any other passport, except the passport so surrendered before the court.*
- (3) That accused will not leave the country without the prior permission of the court.*
- (4) That accused will further not leave the territory of Punjab without intimating to the SHO concerned of police station, Phase-I, SAS Nagar, Mohali.*
- (5) That the accused should also furnish his local address.*
- (6) That accused will appear before the court on each and every date of hearing.*
- (7) That accused will not tamper with the evidence or shall not directly or indirectly make any inducement, threat or promised to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*
- (8) That accused shall not commit an offence similar to the offence of which he is accused or suspected of the commission of which he is suspected.*

Date of Order: 04.03.2020

Jyoti

(Rasveen Kaur)

*Judicial Magistrate Ist Class
SAS Nagar/UID No. PB0632.”*

4. The petitioner is aggrieved with the condition No.2 that has been imposed upon him that he has to surrender his passport before the Court.

5. The learned counsel for the petitioner contends that the petitioner needs to travel abroad on and off and the condition imposed is onerous inasmuch he has to seek permission from the Court concerned after which the passport would be returned to him enabling him to obtain a visa and only then he would take the permission to travel abroad. He further states that the passport be released to him with the condition No.3 that has been imposed that he would not leave the country without the prior permission of the Court to remain intact.

6. The learned State Counsel and the learned counsel for the complainant/respondent No.2 have not disputed the factual position as enumerated above and state that they have no objection to the modification of condition No.2 but pray that the Court concerned must impose stringent conditions on the petitioner when he wishes to travel abroad.

7. I have heard the learned counsels for the parties.

8. The prayer made by the counsel for the petitioner appears to be genuine inasmuch as the petitioner would be required to move an application each time seeking his passport and consequential permission to travel abroad.

9. Therefore, I deem it appropriate to modify the condition No.2 to the extent that the passport shall be returned to the petitioner. However, condition No.3 that he would not leave the country without the prior permission of the Court shall remain intact. Whenever the petitioner wishes to travel, he shall take permission of the Trial Court who shall impose necessary conditions and only then would be permitted to travel abroad.

- 10. Disposed of.
- 11. All the pending miscellaneous applications, if any, stand disposed of.

28.10.2025

Kusum

(JASJIT SINGH BEDI)

JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No