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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 7265/2024, CRL.M.A. 36964/2024 & CRL.M.A. 36965/2024

HARVINDER SINGH @ BALJEET SINGH @ BALLI.....Petitioner

Through: Ms. Sushma Sharma, Mr. Girish Kumar Shama, Ms. Stuti Aggarwal, Mr. R. Sahil, Mr. Dhruv Kumar Sharma and Ms. Aayushi Gaur, Advs.

versus

THE STATE OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for State with Insp. Anuj Kumar, Spl. Cell/SWR. Mr. Amit Tiwari, CGSC with Mr. Ayush Tanwar and Ms. Ayushi Srivastava, Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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03.03.2025

1. The present petition has been filed under Section 528 of BNSS, 2023 seeking following reliefs:

“A. *Quash and set aside the impugned Order dated 08.07.2024 passed by Sh. Sudhir Kumar Sirohi, Ld. Special Judge, Patiala House District Courts (New Delhi), Delhi in matter arising from FIR No. 64/2018;*

B. *Grant permission to the Petitioner to travel abroad to the United Kingdom for a period of 3 months; and / or*



C. Direct the Ld. Trial Court (Ld. Special Judge, Sh. Sudhir Kumar Sirohi, Patiala House District Courts (New Delhi) Delhi) to release of Passport No. 120617706 expiring on 21.12.2031 & Passport No.519203484 expiring on 21.10.2026, belonging to the Petitioner to his custody.”

2. Ms. Sushma Sharma, the learned counsel appearing on behalf of the petitioner submits that the present petitioner has been arraigned as accused in connection with FIR No.64/2018 under Sections 22/23/29/38 of NDPS Act, registered at PS Special Cell. She submits that the allegations in the FIR are that a contraband was being sent by a company in India to a company in the United Kingdom (UK). However, the present petitioner has no connection with either of the company.

3. She submits that the petitioner is a citizen of UK and pursuant to the extradition request made by India, the petitioner was arrested in UK. Thereafter, the petitioner, before the District Judge at Westminster Magistrate Court, himself consented to his extradition in India. Accordingly, the petitioner was brought to India by the investigating agency.

4. She submits that the petitioner was granted regular bail by the learned Trial Court subject to the condition that the petitioner will surrender his passport and a further condition was imposed that the petitioner will not travel outside the territory of Delhi/NCR.

5. She submits that the petitioner's entire family resides in UK and his wife is under depression since 2021, she needs the presence of the present petitioner. Besides that, the petitioner's two sons are unable to pursue their further studies as they are looking after the grocery shop business of the



present petitioner in UK, in the petitioner's absence.

6. She submits that the learned Trial Court has rejected the application of the petitioner seeking permission to travel to UK only on the ground that the petitioner is a British national and if the permission is granted to the petitioner to travel abroad, then the chances of his absconding and not returning to India, are very high.

7. She submits that to dispel the apprehension that the petitioner will abscond if allowed to travel to UK, the petitioner is ready to furnish the following sureties/security:

- (i) The petitioner himself will furnish an FDR for an amount of Rs.50,00,000/-.
- (ii) Two FDRs of Rs.20,00,000/- each will be furnished by two separate sureties.
- (iii) Two unencumbered immovable properties in Delhi will be given as security by the relative(s) of the present petitioner, the value of each such property shall not be less than Rs.50,00,000/-.

8. She submits that the petitioner, as well as, the sureties will also furnish an undertaking to the learned Trial Court by way of an affidavit to the effect that in the event, the petitioner does not return to India to face the trial, the said FDRs, as well as, the immovable properties shall stand forfeited to the State Government.

9. She further submits that the two British Passports of the petitioner, one of which has already expired and another one which is valid till the year 2031, have been surrendered to the learned Trial Court. She submits that a direction also needs to be given to the learned Trial Court to release the said



passports. Further clarifying, she submits that one of the passports which has already expired will have to be deposited by the petitioner to the immigration authorities in UK once he reaches there and he will come back to India on a Passport which is still valid till the year 2031. After returning to India, the petitioner will surrender the said valid passport to the custody of the learned Trial Court.

10. This Court is satisfied with the security being offered by the petitioner for his return to India for facing the trial in connection with the aforesaid FIR. Accordingly, the application is allowed and the petitioner is permitted to travel to UK for a period of three months from the date of his departure subject to the following conditions to be complied with by the petitioner:

- (i) The petitioner shall furnish his permanent address to the learned Trial Court where he shall be staying during his stay in UK.
- (ii) The petitioner shall furnish to the concerned IO, as well as, to the learned Trial Court his mobile number, as well as, e-mail address where the petitioner could be contacted during his stay in UK.
- (iii) The petitioner will continue to join the trial proceedings through Video Conferencing during his stay of three months in UK.
- (iv) The petitioner will not dispute his identity in case the learned Trial Court proceeds to record the evidence in his absence.
- (v) The petitioner shall furnish before the learned Trial Court a Fixed Deposit Receipt of Rs. 50,00,000/- (Rupees Fifty Lacs Only) issued in the name of Worthy Registrar General of this Court initially for a period of six months on an auto renewal mode, as security for his timely return to India.



- (vi) The two sureties will also furnish before the learned Trial Court a Fixed Deposit Receipt of Rs. 20,00,000/- (Rupees Twenty Lacs Only) issued in the name of Worthy Registrar General of this Court initially for a period of six months on an auto renewal mode, as security petitioner's timely return to India.
 - (vii) In addition, the relative(s) [one or two, as the case may be] of the petitioner shall stand as surety and will deposit the original title deeds of his/their two unencumbered immovable properties in Delhi, in the learned Trial Court before the petitioner's departure, and the value of each such property shall not be less than Rs. 50,00,000/- [Rupees Fifty Lacs Only]
 - (viii) The petitioner, as well as, all the sureties will furnish an undertaking by way of their affidavits stating that in the event the petitioner does not return back to India after the expiry of three months, as noted above, the FDRs, as well as, the immovable properties which have been furnished as security shall stand forfeited to the State Government and can be recovered as per law.
 - (ix) The petitioner shall not visit any destination other than UK.
 - (x) After returning back from UK, the petitioner shall surrender his valid passport before the learned Trial Court.
11. Needless to say, that before releasing the passports to the present petitioner, the learned Trial Court will ensure the compliance of the aforesaid conditions.
12. Let the learned APP / Investigating Officer appearing on behalf of the State, as well as, the learned CGSC appearing on behalf of the Union of India inform the Bureau of Immigration (BOI), as well as, the Foreigners



Registration Office (FRO) with regard to the passing of present order.

13. In case any LOC has been issued at the instance of the investigating agency, the same shall remain suspended during the period of petitioner's travel to UK.

14. The present order has been passed in the presence of the petitioner, who is physically present in court.

15. With the aforesaid directions, the petition stands disposed of. Consequently, the pending applications also stand disposed of.

VIKAS MAHAJAN, J

MARCH 3, 2025

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