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**IN THE HIGH COURT OF BOMBAY AT GOA**

**CRIMINAL REVISION APPL. NO. 3 OF 2026**

CENTRAL BUREAU OF INVESTIGATION ... Applicant

*Versus*

SUKHVENDER SINGH

... Respondent.

Ms. Asha Desai, Special Public Prosecutor for the Applicant.

Mr. Surendra Sardesai, Senior Advocate with Ms. Shalakha Shelke, Advocate for the Respondent.

**CORAM:- VALMIKI MENEZES, J.**

**DATED:- 28<sup>th</sup> JANUARY, 2026.**

**P.C.:**

1. Registry to waive office objections and register the matter.
2. This Criminal Application under Section 438 read with Section 442 of the BNSS impugns the order dated 23.01.2026 passed by the Sessions Court, Mercas, granting the application at the behest of the Respondent (Original Accused No. 2) in Sessions Case (302) No. 18/2022. The impugned order allows the Accused No. 2 to travel abroad between 30.01.2026 and 20.02.2026, at this stage where charge is yet to be framed against the said Accused.

3. The main reasons cited by the Respondent/Accused No. 2 for granting of permission to travel abroad and for return of his Passport for his travel are that, his relationship with his wife have been strained since the filing of the chargesheet in the Sessions Court on 20.11.2022, and he is travelling abroad on a holiday in an attempt to work out his relationship with his spouse.

4. The facts which are required to be considered while deciding legality of the impugned order are as follows:

- (i) The Respondent is Accused No. 2 in FIR No. RC 17/2022 registered on 15.09.2022 at CBI SC-1, New Delhi under Section 302 read with Section 36 and 34 of Indian Penal Code (IPC); the Respondent was arrested on 26.08.2022 and after investigation of the case, chargesheet was filed on 20.11.2022 under the aforementioned Sections of IPC.
- (ii) The Respondent was released by the order of this Court dated 03.05.2023 on bail on several conditions inter alia, that the Respondent shall not leave the State of Goa till further orders of the Trial Court and that the Respondent shall surrender his Passport to the Applicant.

- (iii) Whilst releasing the Respondent on bail, this Court has made the following observations in paragraph Nos. 9 and 11 of its order granting bail:

*“9. Serious allegations are levelled.....*

*Prima facie, it does not appear that the victim was forced to consume the drugs by the applicant. Though the applicant accompanied the accused no.1, it appears that all along the applicant has acted on the instructions of the accused no.1. The allegation of the prosecution is that it is the accused no.1 who wielded absolute control over the victim and that he was managing all her affairs. There is nothing on record to indicate that there were any financial transactions or dealings the applicant had with the victim or with the accused no.1. The prosecution alleges that the victim is an active member of a political party. The victim had contested the elections. The applicant is also a party worker.*

*11. Having gone through the materials on record it is seen that the accusations are mainly against the accused no.1. The applicant had accompanied the victim and the accused no.1 and procured the drugs. The victim, accused no.1 and the applicant snorted the drug and then consumed it from a bisleri bottle. The prosecution case is based on circumstantial evidence. The victim was all along with the accused no.1 who is said to be her close confidante with whom she was staying. The applicant, prima facie appears to be have acted as per the instructions of the accused no.1. The interaction which the victim had was mainly with the accused no.1. The materials against the applicant are in the realm of suspicion. There are no criminal antecedents reported against the applicant. The applicant is in custody for more than 8 months with the possibility of the trial commencing and concluding soon appearing remote. The investigation is*

*complete and the charge-sheet has been filed.....”*

- (iv) After being released on bail, it is not in dispute that the Respondent otherwise residing at Gurgaon, Haryana, has been allowed by the Trial Court to travel to Haryana for substantive period of time, owing to his business running there. Further it is also not in dispute that the Trial Court by order dated 04.09.2025, granted permissions to travel abroad with a direction to the Applicant to release the Passport of the Respondent for that purpose. The travel itinerary at that point of time, stated that the Respondent would travel between 09.09.2025 to 13.09.2025 and 17.09.2025 to 22.09.2025, however, that order came to be stayed by this Court on 08.09.2025, after which travel plan of the Respondent was gone, by considering that the travel dates have passed. This Court by its order dated 22.09.2025, took note of this position and has recorded the submissions of the Respondent that as and when he decides to travel abroad, he would file a fresh application before the Trial Court and seek same reliefs. In view of the fact that travel dates have passed, Central Bureau of Investigation, (CBI) withdrew its Revision Application.

- (v) It is not in dispute that the trial has not commenced and at present arguments are being heard before the charge, which have taken substantial time. The arguments commenced somewhere in September, 2025 and the matter is now posted on 12.02.2026 for recording the arguments of the prosecution, after which, orders would be passed by the Sessions Court as to whether the chargesheet is required to be framed. It is during the hearing of these arguments that the application has been filed and the impugned order granting the same has been passed.

5. It is the submissions of the learned Special Public Prosecutor appearing for the Applicant that the Trial Court has granted the application on extraneous grounds without specifying any reasons for allowing the same; it is further contended that there is no further justification on the grant of the application, more so the matter is now posted for framing of charge and it would be appropriate that the Trial Court wants the arguments to be completed and to decide whether the charge is to be framed and only then decide the application filed by the Respondent.

It is further submitted that there is a real flight risk on the part of the Applicant, since he is not residing in Goa and he will be travelling with his spouse abroad. It was further submitted

that the case at hand is similar to the one in which this Court has rendered Judgment *Central Bureau of Investigation v/s Indrani Mukherjea and Anr* reported in order dated 27.09.2024 passed in Writ Petition No.3133 /2024, where this Court has denied the application to travel abroad for reasons that no case has been made out for allowing this application.

6. Objecting to these contentions, learned Senior Advocate Mr. Surendra Dessai, appearing for the Respondent has submitted that Article 21 of the Constitution of India guarantees the fundamental rights to liberty which includes right to travel abroad; reliance was placed on the Judgment of *Maneka Gandhi Vs Union Of India and Anr*<sup>1</sup> to contend that aforementioned rights guaranteed under Article 21 of the Constitution of India, would be restricted, only for other special reasons. It was further contended that, in the present case, the Respondent is Indian Citizen and he and his spouse both owe Indian Passports; reference is made to statement made in affidavit in reply filed by the Respondent, where the travel itinerary is stated. The details of the travel itinerary have also been placed on record under the signature of the Respondent along with affidavit executed by the Respondent, stating that their minor daughter who was born on 27.12.2022 and is of age 3 years would be staying with her grandparents at the village

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<sup>1</sup> 1978 (1) SCC 248

Mandola, Tehsil District, Charkhi, Dadri, Haryana, whilst her parents travel abroad. The learned Senior Advocate Mr. Dessai, appearing for the Respondent, therefore contended that there is no flight risk, since the minor child of the Accused/Respondent would stay back in India during their travel. It was further argued that even on past occasions, permissions have been granted by the Trial Court, though the same cannot be avoided that the reasoned order was stayed by this Court, but in any event, the Respondent had been permitted by the Trial Court to travel to Gurgaon, Haryana, pending the arguments of charge being recorded; it was further contended that on every occasion the Respondent has returned to Goa and attended the hearing of the Court and there is no complaint made by the CBI of violation of any conditions of his bail.

**CONSIDERATIONS:**

7. The reasons cited in the application for travel abroad both to Thailand and Dubai between 30.01.2026 and 04.02.2026 and again on 06.02.2026 to 20.02.2026, as stated in the application that the Respondent want to maintain the relationship with his spouse. There is a minor child from this marriage. The Respondent claims that his marriage has been strained by the fact that the chargesheet has been filed against him. The reason for travel per say cannot be considered as not valid, however, the fact that the Respondent wants to travel abroad would have to

be viewed in the fact of the charges levelled against the Respondent in the case pending before the Sessions Court and whether his return to India to attend the hearing of his case can be enforced. It is not in doubt that the Respondent has been granted permission to travel out of Goa. There is also no allegation that he violated any of the conditions of his bail. Bail was granted to the Respondent on 03.05.2023 and the next date of hearing for continuation of the arguments before charge is on 12.02.2026. The trial has not commenced, nor the charge has been framed.

8. Whilst granting bail, this Court has observed that, the present Respondent has not been directly involved in the incident which is the subject matter of the chargesheet; this Court has also observed that, prima facie, it does not appear that the victim was forced to consume drugs by the Respondent. It has also been observed that there is nothing on record to indicate that there were any financial transactions or dealings with the victim or with the Accused No.1. No doubt these observations were made from the perusal of the chargesheet and the same are only for the purpose of considering the bail application. That order was challenged before the Hon'ble Supreme Court and the Special Leave Petition was rejected.

9. The Applicant has placed on record the copy of the Passport of his spouse which bears Passport No. U 4727623, the same is



issued to Sonia Dagar. The details of the travel itinerary of the Respondent, stating every location of the Respondent would visit with his wife has been placed on record. The itinerary specifies the location and date, while traveling to Thailand and while visiting Dubai. Further curbs can be placed on the Respondent by directing him to place on record the copies of his tickets to both destinations, which fact was not brought on the record of the Session Court.

10. In every of such matters there is always a flight risk; however, in the present case the Respondent is travelling with his spouse, his locations are known and his minor child will continue to reside in India while the Respondent is travelling abroad. These are all circumstances which can be considered for the purpose of grant of the application. No doubt, the last two facts were not before the Sessions Court when the application was granted, but these additional facts which are now considered by me, convince me to hold that the impugned order does not call for any interference.

11. The judgement rendered by this court in ***Central Bureau of Investigation v/s Indrani Mukherjea and Anr*** (supra), by the High Court of Bombay, which rejected the application of the main Accused, to travel abroad was passed under the circumstances that the trial was going on and 96 witnesses had already been examined. One of the circumstance noted in that

judgement was that main Accused sought to travel abroad was a British National, making the risk of flight extremely real. It is in these circumstances, that this Court has rejected the application of the Accused. The facts in the present case are quite different as the Respondent is an Indian Citizen, holding an Indian passport. His child will continue to remain in India while he is travelling abroad which ensures that he will return to India. Considering all these facts, I find that this is not a fit case to interfere in the Revisional Jurisdiction of this Court. Consequently I dismiss the Revision Application.

12. The CBI shall release the passport of the Respondent forthwith, which is in possession of the CBI. The Respondent shall travel according to the itinerary supplied by him before this Court. The Respondent shall also, within 24 hours of this order place on record the copies of his ticket of the flight to both destinations i.e. Thailand and Dubai and the copy of the same shall be furnished to the CBI for reference.

13. I further deem it appropriate that, a copy of this order be communicated to the Immigration Authority i.e. Bureau of Immigration, Terminal-3, Airport, New Delhi, at Indira Gandhi International Airport, New Delhi. Copy of this order shall be transmitted by the Registrar (Judicial) of this Court. Information shall be forwarded through email to the said Immigration Department.

14. All parties to act on an Authenticated copy of this order.

15. At this stage the learned Special Public Prosecutor appearing for the Applicant, presses for suspension of this order. I find no reason to suspend this order or in any manner stay the order of the sessions court. The reasons for rejecting this request are found in the preceding paragraphs of this order. Hence the Oral Application is rejected.

**VALMIKI MENEZES, J.**