

IA No.34/25

CBI Vs. Abhishek Gupta & Ors. (Applicant Harvinder Singh)

FIR No.RC0482024S0008

U/s 61(2) & 105 BNS 2023

17.11.2025

**Present: Sh. A.K. Kushwaha, Ld. Sr. PP for CBI alongwith
Sh Ankit Sharma, DSP/HIO CBI, SC-1, New Delhi.**

**Sh Gaurav Dua and Sh Jatin Yadav, Ld. Counsel for
applicant alongwith applicant Harvinder Singh.**

1. This is an application filed on behalf of applicant Harvinder Singh for seeking renewal of the passport and grant of permission to travel outside India from 05.12.2025 to 19.12.2025.

2. Reply on behalf of CBI has been filed and copy of the same is supplied to the Ld. Counsel for the applicant.

3. Ld. Counsel for applicant submitted that they were not pressing their application for renewal of passport of applicant at present. Ld. Counsel for the applicant submitted that applicant Harvinder Singh wishes to travel outside India from 05.12.2025 to 19.12.2025 for attending the wedding of his family friend. It is also stated that on previous occasion also such permission was granted on 28.05.2025 in favour of the applicant and he never misused the same. It is further submitted that right to travel abroad has been considered as integral part of life and personal liberty of an individual. Ld. Counsel for the applicant, in order to support his submission has relied upon the law laid down by

Hon'ble Supreme Court in Maneka Gandhi vs. Union of India (1978) AIR 1978 SC 597.

4. Ld. Senior Public Prosecutor appearing for CBI had submitted that the though right to travel abroad is integral part of life and liberty but it cannot be considered as unfettered right and should come with reasonable restrictions. It is further contended by Ld. Senior Public Prosecutor that the Ministry of External Affairs issued GSR 570 (E) dated 25.08.1993, in order to give relief to such applicants against whom criminal proceedings are pending before any Court of law in India but who need to travel abroad for some urgent business/ expentional circumstances. It is further contented by Ld. Senior PP that accused has sought permission citing reasons which do not appear to fall under the category of urgent or exceptional circumstances as contemplated under the relevant rules and notification. The accused is facing serious criminal proceedings before this Hon'ble court, and if permitted to travel aboard again, there exits a genuine apprehension that he may flee from India and may not return, thereby hampering the ongoing trial and the due process of law.

5. I have heard the Ld. Counsel for applicant and Ld. Sr. P.P. for CBI and have also gone through the records including the application, reply as well as the judgement relied upon.

6. In Maneka Gandhi Vs. Union of India (1978) 1 SCC 248 it was held that no fundamental right including right to travel abroad can be impinged by the State action, without following

due process of law as the right to travel abroad is a fundamental facet of personal liberty and is protected by Article 21 of Constitution of India.

7. In the present case, it is apparent on perusal of the record that vide order dated 28.05.2025 applicant/ accused was granted permission to travel outside India subject to certain conditions and he did not misuse the same. The charge sheet in the present case was filed and cognizance of offences under sections 105, 61 (2) of BNS, 2023 was taken vide order dated 04.12.2024 and the applicant was granted interim bail vide orders dated 13.09.2024. Subsequently, the bail of the applicant was confirmed as regular vide order dated 21.01.2025 of Hon'ble High Court of Delhi.

8. It is apparent from the reply filed by the prosecution as well as from the record that after grant of bail to the applicant, the applicant has never been accused of having attempted to avoid joining the investigation or had not cooperated with the investigations or had tried to flee from the country. However, taking into consideration the apprehension of the investigating agency of the accused fleeing from justice, a balance needs to be drawn between the apprehension of CBI of applicant fleeing from justice viz-a-viz right of applicant to travel abroad.

9. In view thereof permission is granted to applicant Harvinder Singh to travel to Phuket Thailand for ten days from 07.12.2025 to 17.12.2025 subject to following conditions:-

- (i) That he shall furnish the itinerary of his visit to this court.
- (ii) That he will not try to influence the witnesses if any, in the country that he is visiting,
- (iii) Applicant shall report his arrival to India to this Court immediately on his return i.e. within a period of two days.
- (iv) He shall not visit any other country during the said period.
- (v) He shall submit complete address of his stay/copy of tickets along with the active mobile number in Bangkok Thailand to the IO/HIO through Ld. P.P. before his departure.
- (vi) He shall furnish additional FDR in the sum of Rs.10 lakhs in his name prior to his departure and shall also furnish an NOC from his surety in the Court. It is clarified that the same shall be forfeited to the State in case any of the information furnished by the applicant is found to be incorrect as per verification, if any, at the end of the CBI, any state.
- (vii) In no eventuality, his request for extension for staying abroad shall be entertained.
- (viii) This permission shall be subject to any other applicable rules and shall not be deemed as directions to any authority except for showing the permission from this court only.

(ix) He shall be represented through his counsel on all dates of hearing during this period and the counsel shall not seek adjournment on the ground of non-availability of the applicant.

The present application is accordingly disposed off.

Copy of this order be given *dasti* to the applicant as well as to the Senior PP for CBI.

(Dinesh Bhatt)
Principal District & Sessions Judge-
cum-Special Judge (PC Act) (CBI),
Rouse Avenue District Court
New Delhi/17.11.2025