

Order No.194
Order dated 18.12.23

Today is fixed for hearing and objection if any in the meantime.

Ld. PP for CBI is present along with written objection.

Ld. Advocate on behalf of accused Sri Jaspal Singh Chandok (A-5) files a petition u/s 317 CrPC. Let those be kept with the record.

Record is taken up today for hearing of the petition dated 11.12.23 filed by accused Sri jaspal Singh Chandok (A-5) praying for permission for business purpose to travel abroad i.e. Dubai, USA and Germany from 19.12.2023 to 10.01.2024 stating on the ground therein.

Ld. Advocate for the petitioner and Ld. PP for the CBI are very much present.

Heard their submissions. Considered.

Ld. Advocate appearing for the petitioner submits that accused Jaspal Singh Chandok (A-5) wants to go to travel abroad for business purpose i.e. Dubai, USA and Germany and intends to leave India on 19.12.23 and to return India on 10.01.24. He also submit that prior to this occasion the accused has been given permission for travel abroad and in support of his contention he has submitted flight ticket to establish for his journey which tantamount to his itinerary for consideration of his prayer

Ld. PP for CBI files a written objection objecting the prayer of the accused petitioner that petitioner prays before court for visiting above mentioned countries for his business purpose to travel abroad to Dubai, USA and Germany inserting the ground stated therein. In course of his submission he also pointed out the fact that trial process of this case be hampered if the prayer of the accused petitioner is allowed and he may abscond forever to avoid trial and in that case due process of law may not be followed properly by the prosecution and as such he prays for rejection of the prayer.

Ld. PP in written reply stated that charge has been completed and charge sheet has been submitted on 30.06.16 against 8 (eight) accused persons including this accused petitioner.

It is further mentioned in reply that accused petitioner may hamper process of trial of this case. The accused petitioner has not submitted any itinerary i.e. air ticket, hotel booking, letter from trade fair authorities etc. of his said proposed tour in support of his contention of holding exhibitions and trade fairs in such foreign countries and in absence of such documents his application is in no way justifiable.

I have heard submission of the Ld. Advocates of both sides and also

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have gone through the prayer of the petitioner as well as its objection filed by the Ld. PP for CBI. It appears from the record that no doubt it is a long pending case and commence of trial is yet to start and it also appears from the record that date has been fixed on 12.01.24 for reply hearing from the prosecution side , supply of copy and verification of CD. As per submission of the Id. Advocate verbally undertaking for the accused petitioner that the accused petitioner must remain present on the date fixed and get to make ready for supply of copy and verification of CD. Petitioner with his prayer files his address stay in Dubai and petitioner prays before CBI for permission to travel abroad i.e. Dubai, USA and Germany from 19.12.23 to 10.01.24 vide his letter dated 08.12.23. So it is within the knowledge of prosecution-CBI.

So considering that fact and also after considering the objection as raised by the Ld. PP for CBI, this court is of view that prayer as has made by the accused petitioner should be considered and allowed permitting the accused petitioner to travel abroad i.e. Dubai, USA and Germany. For several times accused petitioner Jaspal Singh Chandok (A-5) has prayed for permission for the business purpose to visit abroad i.e. vide order no. 21 dt. 30.06.14, vide order no.31 dt.27.10.14 and vide order no. 39 dt. 09.12.14 and so many times.

In view of his prayer between i.e. 19.12.2023 to 10.01.2024 directing the petitioner to submit all relevant papers with phone number to the I.O before leaving India and make contact with the I.O once in a week during his travel for business purpose shall furnish roaming mobile number to the I.O and shall affirm an affidavit before this court regarding above and immediately after returning India intimate the matter before court on 11.01.2024 by appearing physically without fail. Hence the prayer is allowed with above conditions.

Thus the petition is disposed off on contest.

Let a copy of this order be supplied to the Ld. PP for CBI for information in this matter.

To 11.01.2024 for appearance of this accused petitioner.

Sd/-
Judge, 3rd Special
(CBI Designated) Court,
Bankshall Court, Calcutta