

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

CRM-M No.41687 of 2015 (O&M)
Date of decision : 28.12.2015

Raman Uppal

...Petitioner

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Premjit Singh Hundal, AAG, Punjab.

Mr. Krishan M. Vohra, Advocate for
Mr. Sumeet Goel, Advocate for respondent No.2-CBI.

Mr. J.S. Lalli, Advocate for respondent No.3.

Ms. Urvashi Dhugga, Sr. Standing Counsel Income Tax-
respondent No.4.

Ms. Seema, Advocate for
Ms. Ranjana Shahi, Advocate for respondent No.5.

Mr. M.S. Atwal, Advocate.

AMIT RAWAL, J. (Oral)

The present petition is at the instance of the Raman Uppal who
is accused in FIR No.125 dated 10.06.2014 (Annexure P-1) registered with

Police Station Phase-I, SAS Nagar (Mohali) for alleged commission of offence under Sections 406 and 420 of the Indian Penal Code, whereby permission has been sought to travel abroad for a period of three weeks as the brother of the petitioner namely Ravi Uppal has been detected with malignancy cancer and has been operated on. Since he is living separate from his wife, there is no one from the family to look after him.

Notice of this petition was issued to the respondent No.1-State, respondent No.2-CBI, respondent No.3-Ministry of Corporate Affairs and respondent No.4-Income Tax Department on 11.12.2015. Despite having taken 2 adjournments, only respondent No.5 has filed reply in the Court. As per the reply filed by respondent No.5, it has been stated that Director of Enforcement has no objection in case petitioner requests for travelling to abroad for his brother treatment for eight weeks is allowed.

Mr. Lalli, learned counsel appearing on behalf of respondent No.3 submits that he need more time to file reply to the petition and in this regard has drawn attention of this Court to letter dated 26.12.2015 written by Ministry of Corporate Affairs to him, whereby Joint Director (Legal and Prosecution), Serious Fraud Investigation Office (SFIO), Delhi noticed that it had never heard for constitution of the special investigation team (SIT).

Mr. Hundal, learned counsel appearing on behalf of respondent No.1 submits that since investigation has been transferred to SFIO, there is no involvement of State of Punjab.

Mr. Krishan M. Vohra, Advocate for Mr. Sumeet Goel for respondent No.2 seeks time to file reply.

Mr. Jassraj Singh, learned counsel appearing on behalf of the

petitioner submits that prayer sought in the petition is innocuous for the reasons that his brother namely Ravi Uppal has undergone major surgery after having detected cancer and documents in this regard have been annexed as Annexures P-4 and P-5. He further submits that FIR registered against the petitioner is that he by branding himself to be Director of M/s International Customer Related Management Services Private Limited executed Special Power of Attorney in favour of Deepinder Singh Dhaliwal who has lodged FIR No.69 dated 19.04.2012 at Police Station, Sector-3, Chandigarh, against 13 person. As counter-blast to the aforementioned FIR, complaint was made by Sukhbir Singh Shergill to SSP, Mohali vide which the petitioner had allegedly prepared the power of attorney. He further submits that during the interregnum, the company has allegedly been sold to Narinder Singh. Out of 13 accused in FIR No.69 dated 19.04.2012, 10 accused filed anticipatory bail applications which have been dismissed upto Hon'ble Supreme Court. Ultimately, the said applications were withdrawn and they were directed to surrender.

It has been brought to the notice of this Court that qua 7 accused, FIR has been quashed. During the course of hearing, nothing has been pointed out qua the alleged misconduct or act done by the Power of Attorney Holder. This Court at this stage is not required to ponder upon the merits of the averments made in the applications vis-a-vis registration of the FIR and the alleged act done by the Power of Attorney Holder or by the petitioner. Since the brother of the petitioner namely Ravi Uppal is suffering from cancer and has undergone a major operation and as per the certificate dated 10.11.2015, he has been advised to work or travel for six months.

Since, he is staying alone, therefore, his visit in Belgium is essential and necessary as to provide moral support, much less, counselling by family member.

Keeping in view the aforementioned facts, the petition is allowed. The petitioner is permitted to travel abroad for a period of three weeks i.e. from 01.01.2016 to 21.01.2016 with a condition that he shall furnish bank guarantee to the tune of ₹75,00,000/- to the satisfaction of Assessing Authority, Circle 35(1), Delhi and the bank guarantee shall be valid for a period of six months.

28.12.2015

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**(AMIT RAWAL)
JUDGE**