$~53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) 5453/2019 & CM APPL. 23922/2019**

BHARAT RAJ PUNJ ..... Petitioner

Through Mr Sandeep Sethi, Senior Advocate with Mr Sandeep Kapur, Mr Rajat Soni, Ms Apporva Pandey, Mr Gudipati G. Kashyap, Mr Mayank Maini, Advocates.

versus

UNION OF INDIA AND ANR. ..... Respondents

Through Ms Vibhooti Malhotra, Advocate.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% **28.05.2019**

1. The petitioner has filed the present petition, *inter alia*, impugning a Look Out Circular (LOC) issued at the instance of the Deputy Director, Investigation Unit, Director of Income Tax, New Delhi. The petitioner is, essentially, aggrieved on account of being restrained from travelling overseas.

2. The petitioner states that although a search was conducted at his premises and re-assessment proceedings have commenced, no criminal case has been instituted against him. The petitioner further claims that he has fully cooperated with the concerned authorities and there is no ground for issuance of a LOC against the petitioner.

3. It is seen that there is no allegation that the petitioner has not appeared

before the concerned authority as and when called for. Ms Malhotra, the learned counsel appearing for the respondents points out that apart from the allegations of tax evasion, there are also serious allegations against the petitioner under the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015. It is also alleged that the petitioner has siphoned off funds to countries overseas.

4. The Deputy Director, Investigation Unit is present in Court and had handed over a sealed cover enclosing a note indicating the allegations against the petitioner. The said note was perused and was returned to the Officer.

5. Undoubtedly, there are serious allegations against the petitioner which are now being investigated, however, the petitioner has participated in the investigation and as of now, no criminal case has been registered/instituted against the petitioner. This Court is informed that LOC was issued against the petitioner sometime in December, 2018 and would expire on June 10, 2019.

6. It is also not disputed that the petitioner was last called by the investigating agencies in December, 2018 and has not been called for any investigation, thereafter.

7. The petitioner was restrained from boarding a flight on 22.01.2019 at the Indira Gandhi International Airport and became aware, for the first time, that a LOC had been issued at the instance of the Investigation Wing of the Income tax Authorities.

8. The petitioner states that he requires to travel urgently for the medical treatment of his minor son. The learned counsel appearing for the petitioner

has also produced documents to show that the petitioner's minor son has been under the treatment of a particular set of doctors since 2016 and the petitioner has now secured an appointment with the said doctors on 11.06.2019.

9. Plainly, the petitioner cannot be restrained from leaving this country indefinitely without the institution of a criminal case against him. Considering that (a) there is no allegation that the petitioner has evaded any proceedings or has avoided joining investigations; (b) that the LOC was issued in December, 2018 and the petitioner has not been called by the investigating team even once after 2018; (c) that the LOC would, unless renewed, expire on 10th June 2018; and (d) that the petitioner requires to travel overseas for the treatment of his minor son, this Court is of the view that the petitioner ought to be permitted to travel overseas subject to providing appropriate security.

10. In view of the above, the petitioner is permitted to travel overseas subject to meeting the following conditions:

> a) The petitioner shall furnish a security of an unencumbered property of a value of ₹3 crores or above;
>
> b) In addition, the petitioner would submit liquid security in the sum of ₹50 lakhs, either in the form of a bank guarantee or in the form of a fixed deposit or any other liquid asset;
>
> c) The petitioner's mother shall also stand as a surety and execute a surety bond for the petitioner, guaranteeing his return to this country within the period of four weeks from the date of travel;
>
> d) The petitioner shall also submit an undertaking to this Court that he shall return to this Country within a period of four

weeks from his departure; and

e) The petitioner shall give his full itinerary including the places he would stay overseas and his contact numbers while travelling overseas.

11. Subject to the said conditions being satisfied, the petitioner is permitted to travel overseas for a period of four weeks. The Deputy Director, Investigation, shall duly inform the Immigration Bureau once the aforesaid conditions are met. Needless to state that upon the petitioner's return to India after four weeks, the security furnished by the petitioner would be returned to the petitioner and/or to the persons furnishing the same.

12. The petition is disposed of in the above terms. The questions of law raised in the petition would be examined in an appropriate case. It is clarified that this Court has not examined the question of the validity of the LOC, and all contentions in this regard are reserved.

13. The pending application is also disposed of.

14. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

MAY 28, 2019
pkv