

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-35453 of 2021
CRM-35474 of 2021 in/and
CRM-M-43375 of 2021 (O&M)
Date of decision 25.10.2021

Shashi Kant Chaurasia

Petitioner

Versus

Assistant Director, Directorate of Enforcement, Chandigarh

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikram Chaudhri, Senior Advocate with
Mr. Keshavam Chaudhri, Advocate for the petitioner.
Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Arvind Moudgil, Senior Panel Counsel for Govt. of India-
respondent-ED.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through
video conference.

CRM-35474 of 2021 is filed for placing on record the
appointment confirmation of the petitioner's uncle at Gustave Roussy
Cancer Campus in Paris (Europe) dated 20.10.2021.

CRM-35453 of 2021 is filed for interim direction permitting
the petitioner to travel to London (UK) and Paris (Europe) for treatment of
his uncle who is suffering from cancer.

The main petition under Section 482 Cr.P.C. was filed seeking
modification of order dated 4.10.2021 passed by Special Judge (CBI),
Haryana, Panchkula in IA/17/2021 titled as “Shashi Kant Chaurasia v.
Assistant Director, Directorate of Enforcement” in Complaint Case

No. COMA/35/2018 in ECIR/CDZO/04/2015 dated 24.9.2015 to the extent of denial of permission to travel to London (UK) and Paris (Europe).

Notice of motion was issued in the main petition.

Mr. Arvind Moudgil, Senior panel counsel for Govt. of India-respondent-ED accepted the notice for the respondent and the petition is now fixed for 2.11.2021.

CRM-35453 of 2021 is filed seeking interim relief on the ground that uncle of the petitioner has got an appointment from a specialized institute in Paris for 29.10.2021.

The brief facts are that the petitioner is an accused in a money laundering case. The trial is pending before the Special Judge (CBI), Haryana, Panchkula. During pendency of the trial, the petitioner is on bail. An application was moved seeking permission to travel to Dubai as father of the petitioner had suffered a brain stroke. The permission was granted, however due to COVID-19 situation and restrictions, the dates were extended. It is an admitted case that the petitioner travelled to Dubai and came back. Thereafter, the application in question was moved seeking permission to visit UK, USA and Europe for a period of fifty-eight days from 4.10.2021 to 30.11.2021 as uncle of the petitioner was undergoing treatment for cancer at Memorial Sloan Kettering Cancer Center, New York, USA. Further it is likely to take him for better treatment at a specialized institute either at United Kingdom or Europe. The petitioner was granted permission to travel to USA from 4.10.2021 to 30.11.2021. The Court observed that no blanket permission to travel to United Kingdom or Europe can be granted as there were no specific details with regard to

treatment of uncle of the petitioner.

With CRM-35474 of 2021 medical certificate for appointment planned for 29.10.2021 in consultation at Gustave Roussy is annexed.

Learned senior counsel for the respondent contends that the annexure has been produced today and he is not in a position to verify it.

Considering the urgency of the matter involved and the fact that Special Judge (CBI), Haryana, Panchkula had already granted permission to the petitioner to travel to USA, instead of dealing with the application for interim relief, with the consent of the parties the main petition is taken on Board today itself.

The permission to travel to United Kingdom and Europe was denied on the ground that there were no specific details produced before the court concerned. Now a document is produced before this Court with an advance copy to learned senior counsel for the respondent to substantiate that there is an appointment fixed at Paris. The said document needs to be verified by the respondent.

In view of the development, the matter is remitted back to Special Judge (CBI), Haryana, Panchkula to consider the prayer for travel to Paris on the basis of the document annexed with CRM-35474 of 2021. The planned appointment is for 29.10.2021, the court below shall ensure the timely disposal.

Learned senior counsel for the respondent submits that in case permission is to be granted, there should be a restriction that the petitioner will not be allowed to travel to any other place except the specified place for which the document is produced.

As the matter is being remitted back, the respondent would be at liberty to raise all the objections before the court concerned and the same would be dealt in accordance with law.

The petition stands disposed of.

25th October, 2021
mk

[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned

:

Yes /No
2. Whether reportable

:

Yes /No