

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

**CRM-M No.19748 of 2022 (O&M)
Decided on: 16.05.2022**

Manoj Kumar Chodha

....Petitioner

Versus

Enforcement Directorate

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vinod Ghai, Sr. Advocate
with Ms. Kanika Ahuja, Advocate
for the petitioner.

Mr. Vishal Gupta, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting-aside the order dated 18.04.2022 passed by the Special Judge-cum-PMLA, Punjab, S.A.S. Nagar, Mohali in case No.COMA/2/2021 dated 08/09.09.2021 titled as “Enforcement Directorate vs Shiv Lal Pabbi and others”, arising out of ECIR No.HQ-STF/15/2020 dated 07.09.2020, vide which the application filed by the petitioner to travel abroad, was dismissed.

Learned senior counsel for the petitioner has submitted that the petitioner is on bail and he has filed CRM-M No.12777 of 2022, in which vide order dated 28.03.2022, further proceedings before the trial Court are stayed and the next date is fixed as 18.07.2022. It is further submitted that the petitioner’s daughter is studying in U.K. and the petitioner wants to visit her for a period of 01 month and the petitioner will return back to India before 18.07.2022 i.e. the date fixed

before this Court as in the intervening period, on account of the fact that further proceedings are stayed by this Court, therefore, no substantive proceedings are taken before the trial Court/Special Judge.

Learned senior counsel for the petitioner has further argued that the petitioner, vide order dated 17.12.2021, was granted the concession of anticipatory bail in CRM-M No.44967 of 2021 and he is regularly appearing before the authorities, as and when required. It is also submitted that the petitioner is an Indian citizen and is not holding any NRI status and therefore, as per the terms and conditions of his VISA and if the permission is granted by this Court, the petitioner will return back within the time granted. It is further argued that the petitioner has moved an application seeking permission to go abroad before the trial Court, however, the trial Court vide impugned order dated 18.04.2022, has declined the same on the ground that if such permission is granted, there is every possibility that the petitioner may abscond and may not return back.

Learned senior counsel for the petitioner has further contended that the passing of the impugned order, hamper the curtailing right of the petitioner to travel abroad and to meet his daughter that too within a specified period, the petitioner has moved an appropriate application for seeking the permission and, therefore, the same may be granted.

Reply on behalf of the respondent – Enforcement Directorate filed in the Court is taken on record and as per the reply, after referring to the facts of the case, it is stated that the petitioner is the maternal cousin of the main accused Shiv Lal Pabbi (who has since

died) and as per the investigation, the amount was transferred by Shiv Lal Pabbi and Hira Lal Pabbi to India through Dubai or Hong Kong and was invested in M/s. CIPL and M/s. MayfairResorts.

Counsel for the respondent has further argued that the petitioner is an influential person and there is every possibility that if he is permitted to travel abroad, he may not return back and this will affect the proceedings pending before the Special Judge.

In reply, learned senior counsel for the petitioner has argued that the petitioner will not misuse the concession to travel abroad as he is having sufficient immovable property in India and his son is also studying in 10th+2 class in Jalandhar. It is further submitted that the petitioner is ready to furnish a surety by way of FDRs to the tune of Rs.10.00 lacs with the trial Court with an undertaking that in case the petitioner do not return back to India as per the specified time given by this Court, the said amount will be forfeited to State.

After hearing the counsel for the parties, considering the fact that the petitioner is not having any NRI status or a right to stay in any country abroad and he can visit abroad only on the basis of VISA, so provided by the said country, I deem it appropriate to grant 30 days time to the petitioner to travel abroad, subject to the following conditions:-

1. *That the petitioner will hand over the FDRs to the tune of Rs.10.00 lacs with the trial Court with an undertaking that in case he fails to return back to India within the specified time, the said amount will be forfeited to State.*

2. *That the petitioner will furnish an additional surety of equivalent amount by way of a surety bonds of a person, who is in the blood relation of the petitioner, who will be responsible for the return of the petitioner.*

3. *That the petitioner will also furnish an itinerary with regard to his travel from India to U.K. and the place where he will be staying along with the mobile phone and e-mail id. The details will be provided to the trial Court for contacting him, if so required.*

4. *That the petitioner will return 30 days from the date when he start his travel and immediately on his return, he will report to the trial Court about his arrival.*

With the aforesaid observations, the present petition is allowed and the order dated 18.04.2022 passed by the Special Judge-cum-PMLA, Punjab, S.A.S. Nagar, Mohali, is set-aside.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

16.05.2022
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No