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

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Order pronounced on 20.07.2022

+ CRL.M.C. 2896/2022, CRL.M.A. 12185/2022 & 12738/2022

DIRECTORATE OF ENFORCEMENT

..... Petitioner

Through: Mr. Zoheb Hossain and Mr. Vivek
Gurnani, Advocates.

versus

JATINDER PAL SINGH

..... Respondent

Through: Mr. J.P. Singh, Mr. H.S. Bhullar, Ms.
Manisha Mehta and Mr. Indronil
Mohan, Advocates.**CORAM:****HON'BLE MR. JUSTICE TALWANT SINGH****TALWANT SINGH, J.:**

1. The present petition has been filed seeking setting aside of order dated 08.06.2022 passed by the learned Special Court, PMLA whereby the respondent was granted permission to travel abroad. The relevant portion of the said order is reproduced here under:

“In view of the above, the application of applicant/accused is allowed.

Applicant/accused is allowed to travel to England with effect from 25.06.2022 to 25.07.2022 subject to the terms and conditions as contained in the order dated 06.09.2019 of Ld. Special Judge (PC Act): (CBI)-11, Rouse Avenue, Delhi in CC No. 55/19 titled as ED Vs. Jatinder Pal Singh which are as follows:



- (i) That applicant/accused shall furnish personal bond in the sum of Rs. 3,00,000/- in addition to personal bond.
- (ii) That applicant/accused shall also furnish one local surety in the sum of Rs. 3,00,000/- in addition to surety bond.
- (iii) He shall inform the court about his arrival in India within 72 hours of completion of his entire journey.
- (iv) In any eventuality, applicant/accused shall not request for extension of staying abroad.
- (v) He shall not tamper with the evidence nor try to influence any witness in any manner and will not use the permission granted to him contrary to the rules.
- (vi) During his stay abroad, applicant/accused shall be represented before the court by his counsel and no adjournment shall be requested due to absence of accused.
- (vii) He will submit the address of his stay during the intervening period of halt in the countries he intends to travel.
- (viii) He shall surrender his passport to the Court within 72 hours of his arrival in India after completion of his journey.”

2. The brief facts of the case are that ECIR No. 55/2010 was registered against the present accused on the basis of FIR registered by CBI in a case relating to renewal of 4th batch admissions during academic year 2010-2011 of a medical college in Patiala and the proceeds of crime were generated, concealed and projected as untainted.

2.1 CBI had recovered Rs. 2 Crore bribe amount from the premises of the respondent and he was arrested. Thereafter, the complaint was filed



before the learned Special Judge. During the course of investigation, a raid was conducted at the residence of the accused/respondent on 10.02.2020 and certain records were seized regarding the company of the respondent using forged documents/invoices to make bogus entries in the books of its accounts and using the same as genuine.

3. On 02.12.2021, the matter was referred to EOW of Delhi Police and FIR No. 0200 was registered for commission of substantive offences under Section 120B read with Sections 420/468/471 IPC against the respondent and others.

3.1 Searches were again conducted at the residence of the respondent on 30.12.2021 and various incriminating documents and electronic devices were found and seized.

3.2 The accused was arrested on 31.12.2021. He was bailed out on 17.01.2022 and a condition was put that he shall not leave the country without the permission of the Court.

3.3 Directorate of Enforcement has challenged the said order of bail before this Court by filing separate proceedings and notice has been issued by this Court.

4. The prosecution complaint was filed on 28.02.2022. The respondent moved an application for release of his passport and for permission to go abroad for a period of one month, which was opposed by the present petitioner, however, the learned Special Judge has passed an order allowing the permission by passing the order as quoted above.



5. The grounds of opposition to the said order on which the order was challenged are that there are no supporting documents showing that the respondent was required to travel abroad to undergo any procedure that is not available in India, this Court in the matter of *Directorate of Enforcement vs. Kanwar Deep Singh, Crl.M.C. 1748/2022* passed on 24.05.2022 had held that no foreign travel can be allowed where the medical treatment is available in India; the medical condition of the respondent was stable during his custody; the respondent is involved in commission of grave economic offence and there is every likelihood that the accused will influence the witnesses, tamper with the evidence and hamper further investigation; the accused has not furnished details of his foreign businesses, assets and investments; the facility for removal of maxillofacial cysts and heart checkup are very well available in India and the medical documents do not show that the respondent's situation is such that he needs to travel abroad.

6. Notice was issued. Reply has been filed.

7. I have heard the arguments.

8. During the arguments, it has been submitted that there are allegations that monetary transactions of about 12 Crores are under investigation. The order from the learned Special Judge was obtained by misleading the said Court. The apprehension is that the respondent will not return back; he has not disclosed his foreign assets and businesses; no genuine reason has been given to go abroad; Section 45 of PML Act stands revived and it has been wrongly observed that the same is no longer applicable; the respondent is a flight risk and the condition of deposit of passport in the bail order in the



present case has not been set aside by this Court and cognisance is yet to be taken.

9. On behalf of the respondent, it has been submitted that the impugned order is well reasoned. The High Court in order dated 21.05.2021 waved the condition of deposit of passport in the earlier matter and not in the present case. The passport was returned after 08.06.2022. Even during the pendency of the earlier ECIR case, the respondent had travelled on numerous occasions after getting the passport released from the Court and had never violated the conditions put by the Court and he had deposited the passport again in the Court after his return from abroad on every occasion. Even now, he shall surrender the passport within 72 hours after his return from abroad.

10. It is the case of the respondent that only two grounds were raised before learned Trial Court that the treatment was available in the country and the respondent may tamper with the evidence. It has been submitted by present respondent that the respondent had earlier received his treatment in Europe and the same Doctor is now available in a hospital in London.

10.1 As far as availability of the treatment in India is concerned, as per respondent's counsel, the father of the present respondent had died in Apollo Hospital while suffering from the same/similar ailment, so the respondent does not wish to get himself treated in Apollo Hospital, where the requisite CT Scan machine is available.

10.2 The maxillofacial cyst surgery is to be done by and under the supervision of the Doctors who are treating him regarding his heart ailment.



The grandfather and the father of the present respondent had also died with the same heart disease. Even the respondent had undergone major surgery (angiography) in the year 2016 and he is taking blood thinning medicines prescribed by his treating doctors. For removal of maxillofacial cyst, he has to stop taking the said drug. Hence, the supervision, care and treatment under Doctor Ramasamy Danapal based in London is required, who is well aware of the respondent's medical history.

10.3 Heart checkup facility of 640 Slice CT Scan is available in Apollo Hospital but he does not want to get himself admitted to the said hospital. There is no appointment available for the surgery in AIIMS till the end of August, 2022. Moreover, AIIMS does not have the facility of 640 Slice CT Scan. So, the respondent has to urgently travel to UK to get the necessary heart checkups and to have the surgery done.

11. The petitioner has cited the following judgements in support of his contentions:

- (i) Civil Appeal Nos. 4146-47/2011, titled '*Nicks (India) Tools v. Ram Surant and Another* (2004) 8 SCC 222'
- (ii) CRL.M.C. 1748/2022, titled '*Directorate of Enforcement v. Kanwar Deep Singh*'
- (iii) BAIL APPLN. 926/2022, titled '*Sajjan Kumar v. Directorate of Enforcement*'
- (iv) BAIL APPLN. 2566/2021, titled '*Christian Michel James v. Directorate of Enforcement*'
- (v) BAIL APPLN. 4185/2021, titled '*Gautam Thapar v. Directorate of Enforcement*'



(vi) BAIL APPLN. 4295/2021, titled '*Raj Singh Gehlot v. Directorate of Enforcement*'

I have gone through these judgements, which were passed in their peculiar facts and circumstances.

12. A report has been also placed on record by the petitioner obtained from medical Superintendent AIIMS Hospital regarding availability of the treatment of maxillofacial cyst at the Center for Dental Surgery at AIIMS and the 640 Slice CT Scan machine being available in Apollo Hospital, as mentioned above.

13. It is the admitted case of both the parties that after the registration of the earlier ECIR in the year 2010, the respondent has travelled abroad on a number of occasions after getting his passport released from the Court and he has never violated any of the terms and conditions, which were imposed by the learned Trial Court. The only change in circumstance is that another ECIR has been registered against him, in which he is on bail and a condition for deposit of passport was put afresh.

13.1 One of the apprehensions expressed by the present petitioner is that the respondent may tamper with the evidence and he may influence the witnesses. Learned counsel for the respondent has submitted that till date, officials of the petitioner have failed to point out as to what is the evidence abroad, which will be tampered with by the respondent during his treatment period or who are the witnesses who will be influenced by him.

14. The other apprehension of the petitioner is that the respondent will not return back to the country. This apprehension is nullified on the ground



that in the last more than 10 years, he has travelled abroad on many occasions and has returned back on time and he has complied with all the conditions put on him from time to time by the concerned Court.

15. Merely registration of one more case against him in my view, will not change the scenario as detailed above.

16. In my view, the learned Trial Court has rightly allowed the present respondent to travel abroad because he needs to be under the treatment of the concerned Doctor, who knows his medical condition and because of his heart condition, his cyst cannot be removed without a competent Doctor being in charge of his heart condition during procedure, when the cyst is being removed.

17. Merely stating that the treatment for removal of maxillofacial cysts is available in AIIMS where appointment is not available till August, 2022 end and the 640 Slice CT Scan is available in Apollo where the respondent has lost his father during the treatment, cannot be a ground to deny the respondent the permission already granted by the learned Trial Court. If the cyst is to be removed in AIIMS then how the machines available in Apollo Hospital can be of any help?

18. The petition is without any merit and the same is hereby dismissed. However, I deem it proper to put one more condition in addition to the conditions put by the learned Trial Court while granting the permission to the respondent to travel abroad and the said condition is that the respondent shall share all his Mobile numbers with the officials of the petitioner and he shall keep the mobile location on at all times.



19. In case, the respondent violates any of the conditions mentioned in the impugned order as well as the condition put today, the official of the petitioner are at liberty to move the Court of learned Special Judge for recalling the said order.

20. The petition is accordingly disposed of.

21. Copy of this order be sent to the learned Special Judge.

22. Permission is granted to the respondent to travel abroad for a period of one month after making necessary arrangements for his travel. He shall file the itinerary before the learned Trial Court, mentioning the details of his travel, details regarding his stay in London as well as Hospitals, which he will be visiting and the date of his return from abroad. This itinerary be filed before the respondent leaves the country.

23. Petition is disposed of.

TALWANT SINGH, J

JULY 20, 2022/pa

[Click here to check corrigendum, if any](#)