



\$~7

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

+ **CRL.M.C. 3296/2023**

SANJAY GROVER

..... Petitioner

Through: Mr. Amit Chadha, Mr. Tarun Rana,
Mr. M. M. Khan, Ms. Swati Chawla,
Advs. with petitioner.

versus

DIRECTOR OF ENFORCEMENT

..... Respondent

Through: Mr. Zoheb Hossain, Special counsel
for Ed with Mr. Vivek Gurnani and
Mr. Kartik Sabharwal, Advs.

%

Date of Decision: 25.05.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 12340/2023

Exemption allowed subject to just exceptions.

CRL.M.C. 3296/2023

1. The present petition has been moved challenging the order dated 15.04.2023. Whereby the permission to visit abroad by the petitioner was rejected by the learned Special Judge on the following grounds:

“That the Ld. Special Court vide order dated 15.04.2023 wherein the application seeking permission to travel of the petitioner was dismissed, inter alia, notes as under:

i. That the application filed by him does not give or disclose any

CRL.M.C. 3296/2023

Page 1 of 4



- specific purpose for his above journey to USA and the application is found to have been made on vague grounds.*
- ii. *That this court fails to understand as to why the applicant cannot practice his profession of Chartered Accountant in this country when he is a qualified Chartered Accountant of 1987 Batch having a long experience behind him, since he admittedly started practicing the said profession long back in the year 1988 and had been practicing it till the year 2011.*
 - iii. *That the petitioner has even not disclosed in the application as to what kind of business he started when he left his practice of Chartered Accountant.*
 - iv. *Hence, simply because the applicant wants to visit USA for exploring some business activities for himself or his son, he cannot be permitted to travel abroad and that too for such a long duration, when he been prosecuted in this case for the serious offence of money laundering and he is also found to be an accused even in the connected case of SFIO.”*

2 Learned counsel for the petitioner submits that the application to visit abroad has been rejected mechanically by the learned Special Judge, where is permission to travel abroad was granted to the similarly accused person namely Anuj Garg vide order dated 26.11.2022. Learned counsel submits that petitioner is now 60 years of age and is a qualified Chartered Accountant of 1987 batch. Learned counsel further submits that the only option for his son who is an engineer is suffering from Diabetes and he wants to explore some career option for his son in USA. Where the Diabetes is treated as disability. Learned counsel submits that the petitioner is ready to furnish any surety/undertaking. It has further been submitted that the petitioner has no plans to settle abroad and shall certainly come back to India. It has further been submitted that during the course of his visit abroad his lawyer shall appear before the learned Trial Court and shall not seek any adjournment. Learned counsel also submits that the petitioner shall not



dispute his identity.

3 Mr. Zoheb Hossain, learned special counsel for ED has vehemently opposed the application to visit abroad. Learned counsel has invited the attention of the court to the facts of the case which are very serious in nature. Learned counsel submits that the petitioner who was a Chartered Accountant knowingly assisted the main accused person in the money laundering. It has been submitted that the magnitude of the present case is huge and if the accused is permitted to travel abroad he may not come back. Learned special counsel has submitted that the present cases are to be treated with more sensitivity as it has huge effect on the financial health of the country.

4 I have considered the submission. The petitioner has already been admitted to bail by the learned Trial Court vide order dated 23.11.2019 as the petitioner was never arrested during the course of investigation as per the bail conditions, the accused could not leave India without the permission of the court and thus sought permission from the learned Trial Court.

5 To travel abroad is a fundamental right of a person and unnecessary restriction/impediments could not be imposed upon accused. However, any such right is subject to certain restrictions in consonance with the gravity of the case.

6 Further, I consider that while seeking permission to travel abroad the courts cannot accept that the applicant has to give the very specific or minute details/reasons for visiting abroad. The applicant has to tell broadly the purpose for which he wants to visit abroad. The petitioner in present case has stated that after the restriction of the present case and the COVID he has lost his practice here and therefore wants to explore career prospects for

CRL.M.C. 3296/2023

Page 3 of 4



working online. Similarly petitioner wants to travel abroad for the purpose of finding out some job options for his son. This court while entertaining such application cannot go into the minute details/merits of the case of the offence. Of course the gravity of the offence is to be seen and sufficient conditions have to be imposed for the purpose that the petitioner must return back to join the trial.

7 In the circumstances, I consider that petitioner can be allowed to visit USA for a period of 3 months subject to the following conditions:

1. That the accused shall furnish detailed itinerary at least 15 days before his departure for verification by the ED.
2. That the accused shall furnish some title deed amount to Rs. 1 crore before the learned trial court and the learned trial court shall examine and get verified it from the concerned authorities.

8 Learned Special Judge is also directed to impose other appropriate conditions for ensuring that the petitioner returns to join the trial in accordance with the law and the trial is not hampered on account of absence of the petitioner on account of travelling abroad .

9 With these observations, petition and all pending applications stand disposed of.

DINESH KUMAR SHARMA, J

MAY 25, 2023/AR