



**CM-7643-CWP-2024 in/and
CWP-3687-2023(O&M)**

-1-

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

221

**CM-7643-CWP-2024 in/and
CWP-3687-2023(O&M)
Date of decision: 24.05.2024**

Deepak Patwari

...Petitioner

Versus

Union of India & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Narender Singh, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India
(through VC) with
Mr. Arvind Seth, Senior Panel Counsel,
for respondents No.1 and 2.

Mr. Ravi Kamal Gupta, Advocate,
for respondent No.3-CBI.

VINOD S. BHARDWAJ, J. (Oral)

CM-7643-CWP-2024

This is an application for preponement of the main case.

Learned counsel for the non-applicant/respondents have no objection if the application is allowed and the main case is preponed from the date already fixed i.e. 07.08.2024.

In view of the above, application is allowed. Hearing of the main case is preponed from 07.08.2024 and the same is taken up on board today itself.

CWP-3687-2023(O&M)

1. The petitioner has approached this Court against the issuance of



**CM-7643-CWP-2024 in/and
CWP-3687-2023(O&M)**

-2-

Look Out Circular (LOC) against him at the instance of Central Bureau of Investigation-respondent No.3.

2. The Central Bureau of Investigation filed its reply, wherein it took a stand that role of petitioner was being investigated and that LOC had been issued by it. Hence, on 19.07.2023, the following order was passed:-

“Learned counsel for the petitioner refers to the reply filed on behalf of respondent no.3-CBI, wherein it has been averred in the preliminary submissions that the role of the petitioner in the above said offence is under investigation. Counsel contends that the above said submission was made by counsel for respondent no.3-CBI as far back in the year 2020, which is specifically recorded in the order dated 19.12.2022, passed by learned Special Judge, CBI, Haryana at Panchkula as well. The relevant extract of the order is incorporated herein below:-

“12. From the perusal of facts of the reply filed by the CBI/respondent, it has also come to the notice of the court that in the year 2015, the income tax department at Kolkata has taken action against those share traders who were involved in providing accommodation entries. This might be one of the reason that the applicant Deepak Patwari left India and shifted to Dubai. The contention of learned counsel for the applicant that the applicant is being harassed by the respondent since 01.12.2020 on account of inquiry as applicant is neither named as accused nor has any overt act been attributed to the applicant in the F.I.R. and the applicant has joined the investigation of this present case by marking his presence on each and every date is concerned, this court find no substance in this contention, because since the



**CM-7643-CWP-2024 in/and
CWP-3687-2023(O&M)**

-3-

year 2017 when the case was registered, the applicant was called to join the investigation of the present case, wherein the accused M.L.Tayal and his family members are involved, but he not show courage to join the investigation of the case as he left the country and is a Dominican national as he had taken the citizenship of Commonwealth of Dominica. The respondent/CBI after left with no other option had to open Look Out Circular(LOC) against him in December, 2017. From the year 2017 to 2020, the applicant Deepak Patwari did not join the investigation of the present case and when he had landed at Mumbai Airport alongwith his family members for the purpose of sale of house at Mumbai, which was in the name of his wife, only when he was apprehended and detained by the Immigration Department and was directed to join the investigation at CBI office, Chandigarh. Had the applicant been fair regarding his role, he would have never left the country and would have join the investigation of the case at the very inception of the FIR. Further, in order to adjudicate the application in proper manner, the Investigating Officer of this case ie. Smt.Seema Pahuja, Additional SP, CBI/ACB, Chandigarh was summoned by the court on 24.11.2022, who suffered statement to the effect that within a span of four months, CBI/respondent would be in a position to ascertain the role of the applicant-Deepak Patwari in the present case bearing FIR No.RCCHG20174A0017 dated 04.09.2017, under Sections 13 (2) r/w 13 (1) (e) of the PC Act, 1988 and 109 IPC, PS CBI, ACB, Chandigarh.”

Despite a period of nearly 8 months having elapsed, respondent no.3 is still not able to refer to any evidence/material on the basis whereof the petitioner



**CM-7643-CWP-2024 in/and
CWP-3687-2023(O&M)**

-4-

may be linked to the offence being investigated by the respondents. He undertakes to file status report with respect to the evidence/material collected by the CBI against the petitioner, within a period of two months.

Adjourned to 18.10.2023.”

3. A status report was thereafter filed as per which the petitioner had provided accommodation to accused persons. The matter was adjourned, however, CM-7643-CWP-2024 was filed to which reply was also filed.

4. Learned counsel appearing for the CBI, refers to the reply of CM-7643-CWP-2024 and contends that the said FIR had been registered against one M.L. Tayal and certain other accused persons, who were serving in various capacities in the State Government for having acquired huge assets disproportionate to the known sources of income. The LOC against the petitioner was issued after registration of FIR. It is further averred that after completion of investigation, a charge-sheet in the said case has already been filed by the CBI against the accused persons and that the petitioner has been cited as a prosecution witness and he is not an accused. It is further submitted by learned counsel for the respondent-CBI that the Central Bureau of Investigation has already taken up the matter with the concerned authorities vide letter dated 22.05.2024 for seeking withdrawal/cancellation of Look Out Circular issued against the petitioner. It is, however, submitted that the petitioner may be directed to submit an undertaking before the trial Court that he shall appear before the Court, as and when summoned, for recording his deposition as a witness.

5. Learned counsel for the petitioner contends that he undertakes



**CM-7643-CWP-2024 in/and
CWP-3687-2023(O&M)**

-5-

to appear before the trial Court as and when summoned and that an undertaking shall be furnished in this regard before the trial Court. He further submits that the petitioner may be permitted to appear also through Video Conferencing to make deposition.

6. Without going further into the matter and considering that the LOC had been issued by the CBI for investigation of FIR and on completing the investigation in the said FIR, the petitioner has been already found innocent by the prosecuting agency vis-a-vis the Central Bureau of Investigation and CBI has already moved an application for cancellation/withdrawal of the LOC, I find that the present petition deserves to be allowed and the LOC issued at the behest of respondent No.3 against the petitioner herein is ordered to be set aside. The petitioner shall, however, furnish an undertaking before the trial Court to appear physically or/through on line mode, for making his deposition, as may be directed by the trial Court.

6. The present writ petition is, accordingly, allowed subject to terms as aforesaid.

24.05.2024
monika

(VINOD S. BHARDWAJ)
JUDGE

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