



**CM-7007-CWP-2024 in/and
CWP-29326-2023(O&M)**

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

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**CM-7007-CWP-2024 in/and
CWP-29326-2023(O&M)
Date of decision: 24.05.2024**

Athar Zia

...Petitioner

Versus

Bureau of Immigration & anr.

...Respondents

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

Present : Mr. Saransh Sabharwal, Advocate and
Mr. Sajal Bansal, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India
(through VC) with
Mr. Arvind Seth, Senior Panel Counsel,
for respondent No.1.

Mr. Ravi Kamal Gupta, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

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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. 05.08.2024.

In view of the above, application is allowed. Main case is taken up on board today itself.

CWP-29326-2023(O&M)

1.

Prayer by the petitioner in the present petition is to suspend the



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Look Out Circular (LOC) issued by the respondents for a period of 6 months so that he can travel abroad without being restrained and/or for any such period this Court may deem fit or appropriate.

2. The petitioner is a former employee of Punjab Government State Export Corporation and Thapar's Agro as an International Marketing Professional. The petitioner was the promoter and shareholder of M/s Basic India Limited, which was a company incorporated in the year 1995 and had been doing business with utmost dedication and the said company was thereafter declared as bankrupt in the year 2017 and got liquidated by the National Company Law Tribunal, New Delhi.

3. Learned counsel for the petitioner submits that the petitioner had been implicated as an accused in FIR No.RCBD1/2020/E/0009, dated 22.12.2020, registered under Sections 420, 467, 468, 471 read with Section 120B of IPC as amended and 13(2) read with Section 13(1) (d) of PC Act, 1988, at Police Station CBI, BSFB, New Delhi. It is submitted that on account of the default by the petitioner in the payment of the amount, the complainant-Bank of India got the said FIR registered against him and his other family members. He further submits that the petitioner has to travel abroad in relation to his work and livelihood and on an earlier occasion, he had been granted permission by the National Company Law Tribunal (NCLT) vide order dated 21.10.2019 to travel abroad. He further submits that he adhered with the terms and conditions of the permission granted by the NCLT and came back as per assurance given by him. It is further submitted that the petitioner was also granted permission by this Court to travel abroad vide order dated 26.04.2023 passed in CRM-M No.8460 of



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2023 and his LOC was suspended till 30.11.2023. He contends that the petitioner has travelled abroad on 3-4 occasions and always returned back without any abuse to concession granted to him.

4. Reply on behalf of the Central Bureau of Investigation has been filed along with affidavit, wherein it has been averred that the company of the petitioner had availed various credit facilities from Bank of India, Ambala Cantt. Branch, Ambala in June, 2016 and on account of a criminal conspiracy with the other accused persons, the above-said credit facility was wrongfully used so as to cause loss to the Bank of India and the account of the company was declared as NPA on 30.09.2017 with an outstanding amount of Rs.99.61 crores and the account was termed as 'fraud' on 10.02.2020 on the basis of findings of Forensic Audit report dated 04.02.2019 of M/s B.M. Varma & Company.

5. It is further submitted that investigation in the matter is already concluded and the final report under Section 173 (2) Cr.PC has been filed before the Court of Special Judicial Magistrate, CBI, Haryana at Panchkula on 30.12.2023 and vide order dated 23.04.2024 the cognizance of the offence has been taken and the petitioner has been summoned for 03.06.2024. Learned counsel for respondent No.2, however, would not dispute the fact that the petitioner had been granted permission to travel abroad earlier also and the LOC had been suspended for certain time period so as to enable him to travel abroad.

6. Learned counsel for the petitioner, however, contends that the petitioner is not being served/aware about the appearance and since the matter has been fixed for 03.06.2024, the petitioner shall enter appearance

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before the concerned Court and furnish necessary bail bonds. Learned counsel for the petitioner further submits that he may be granted permission to travel abroad and that he will return within a period of one month from the date of travel.

7. Taking into consideration the circumstances noticed above, this petition is disposed of with the following directions:-

- (i) The petitioner shall appear before the trial Court on 03.06.2024 which is the date fixed and shall furnish bail bonds.
- (ii) The LOC issued against the petitioner shall remain suspended w.e.f. 10.06.2024 till 15.07.2024.
- (iii) The petitioner shall furnish bail/surety bonds along with travelling plan before the trial Court and shall submit an undertaking to return on or before 15.07.2024.

24.05.2024
monika

(VINOD S. BHARDWAJ)
JUDGE

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