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

Date of Decision: 24.06.2024

+ **CRL.M.C. 4863/2024 & CRL.M.A. 18478/2024**

BARINDER KAUR

..... Appellant

Through: Mr. Sachin Puri, Sr. Advocate with
Mr. Ravjot Singh, Mr. Ayush Gaur,
Ms. I. Iqbal, Mr. B. Narula, Mr. Para
Anand, Ms. Shagun Lal, Ms. Hiba
Shah, Ms. Shruti Gupta and Ms.
Akanksha Mehta, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION & ANR

..... Respondents

Through: Ms. Anubha Bhardwaj, SPP for the
CBI with Ms. Diksha Nishad,
Advocate and SI Dharmender Singh.
Mr. Pavan Narang, Advocate
(through vc) for R-2.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J (ORAL)

CRL.M.A. 18478/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CRL.M.C. 4863/2024

3. The present petition has been filed by the petitioner seeking setting aside of order dated 05th June, 2024 and consequently modification of the order dated 24th May, 2024 passed by the Court of learned Special Judge



(CBI), Rouse Avenue Courts, New Delhi and also seeking a direction to Respondent No. 2 to suspend any Look Out Circular (LOC) opened against the petitioner at the behest of Petitioner No. 1, and/or any other investigating agency in India.

4. Learned Senior Counsel appearing for the petitioner submits that the petitioner is seeking modification of the requirement of furnishing FDR in the sum of ₹ 1 Crore, in order to travel abroad. It is submitted that the said sum is exorbitant and unnecessary, in the facts and circumstances of the case.

5. This Court notes that the petitioner is accused in CBI *Case No.23/2021* pending in the Court of learned Special Judge (CBI), Rouse Avenue Courts, New Delhi.

6. Attention of this Court has been drawn to the Supplementary Chargesheet dated 31st December, 2021, wherein, Shri Mohan Lal Sahjpal, who is one of the conspirator and facilitator of the crime, has been accused of diverting Australian dollars (AUD) 138.20 million. It is submitted that the said Mohan Lal Sahjpal is the main accused.

7. Learned Senior Counsel for the petitioner had handed over a copy of the order dated 02nd March, 2024, wherein, the said Mohan Lal Sahjpal has been granted permission to travel abroad, by furnishing a security to the tune of ₹ 5 Lacs in the shape of FDR.

8. Attention of this Court has also been drawn to the said Supplementary Chargesheet with respect to the petitioner herein, wherein, the charge against the petitioner is that the petitioner has diverted an amount of ₹ 7.74 Crores.

9. Thus, learned Senior Counsel for the petitioner submits that the



petitioner herein, is accused of a much lesser charge, than the other accused, namely, Mohan Lal Sahjpal, who has been allowed to travel abroad by furnishing security of ₹ 5 lacs only. Thus, it is submitted that the condition which has been put upon the petitioner to furnish the security to the tune of ₹1 Crore, is onerous as well as arbitrary. Thus, it is submitted that the petitioner had filed an application for reducing the security amount. However, the same has been dismissed wrongly vide order dated 05th June, 2024.

10. Issue notice to the respondent.

11. Ms. Anubha Bhardwaj, Special Public Prosecutor accepts notice. She opposes the present petition and draws the attention of this Court to the impugned order dated 05th June, 2024. She submits that a similar plea was made before the learned Special Judge (CBI), Rouse Avenue Courts, New Delhi, which has already been rejected. She further submits that the present petition is without any merit.

12. I have heard learned counsel for the parties.

13. Considering the submissions made before this Court, this Court is of the view that when the co-accused, who is the main accused, and is charged with much serious offence than the petitioner herein, has been granted permission to travel abroad by furnishing security to the tune of ₹ 5 lacs only, there is no occasion for putting the onerous condition of furnishing security to the tune of ₹ 1 Crore, upon the petitioner herein.

14. Accordingly, this Court sets aside the order dated 05th June, 2024 passed by the learned Special Judge (CBI), Rouse Avenue Courts, New Delhi in CBI Case no. 23/2021 in RC No.04/(E)/2014.

15. Moreover, this Court reduces the amount of FDR of ₹ 1 Crore for



condition for travelling to abroad to ₹ 5 lacs, to be deposited in the shape of FDR.

16. The rest of the conditions, as given in the order dated 24th May, 2024 granting permission to the petitioner to travel abroad, shall remain the same.

17. It is further directed that the petitioner be permitted to travel abroad from 01st July, 2024 till 12nd August, 2024, subject to the conditions as imposed vide order dated 24th May, 2024. The petitioner is also directed to furnish travel itinerary with the respondent.

18. In the meanwhile, the LOC with respect to the FIR being *RC No.04/(E)/2014* in *CBI No. 23/2021*, shall remain suspended from 01st July, 2024 till 12nd August, 2024.

19. With the aforesaid directions, the present petition is disposed of.

**MINI PUSHKARNA
(VACATION JUDGE)**

JUNE 24, 2024

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