

2025:PHHC:026716



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

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**CRM M-8938 of 2025 (O&M)
Date of Decision: 24.02.2025**

Directorate of Enforcement

...Petitioner

Versus

Lalit Goyal

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Zoheb Hosain, Special Counsel (through VC) with
Mr. Lokesh Narang, Sr. Panel Counsel
for the petitioner.

Mr. Vinod Ghai, Sr. Advocate with
Mr. Gurmohan Singh Bedi, Advocate
Mr. Pawandeep Singh, Advocate and
Mr. A.V. Khanna, Advocate, for the respondent.

N.S.SHEKHAWAT, J. (Oral)

1. The Directorate of Enforcement (hereinafter to be referred as '**the ED**') has filed the present petition under Section 528 of the BNSS with a prayer to set aside the order dated 31.01.2025 passed by the Court of Rajeev Goyal, Special Judge, under the PMLA, at Panchkula, whereby, the respondent has been granted the permission to travel abroad (USA) for a period of 09 days in case Complaint No. COMA-01 dated 14.01.2022 under Sections 44, 45, 3 and 4 of PMLA, 2002, District Panchkula.

2. Learned counsel for the petitioner contends that the respondent has been arrayed as an accused in a criminal complaint

case No. COMA-01/2022, which is pending before the Court of Special Judge/PMLA for violation of provisions of the Prevention of Money Laundering Act, 2002 (hereinafter to be referred as **the PMLA, 2002**). He was granted the concession of interim bail on medical grounds by this Court vide order dated 24.02.2022 passed by this Court with the following directions:-

- (a) He will stay either at Gurugram or Chandigarh.*
- (b) He will mark his presence with the Investigating Officer of the Enforcement Directorate twice a week through video conferencing.*
- (c) On the next date of hearing, he will place on record his complete treatment record by way of filing an application with advance copy to the counsel opposite.*
- (d) He will not dispose of or alienate any of his property.”*

3. The order granting the interim bail was subsequently made absolute vide order dated 08.04.2022 (Annexure P-3) without any change in the aforementioned conditions. The order dated 08.04.2022 (Annexure P-3) was challenged by Anand Gupta before the Hon’ble Supreme Court vide SLP (Criminal No. 12164 of 2022) titled as **“Anand Gupta Vs. Lalit Goyal and others”** and the Hon’ble Supreme Court had upheld the order dated 08.04.2022 as well as the conditions imposed by this Court. However, considering the apprehensions expressed by the petitioner, one of the bail conditions was modified and the respondent was directed to mark his

presence physically and not through V.C., every week before the IO of the ED at Delhi or Gurugram.

4. Learned counsel for the petitioner has vehemently argued that the Hon'ble Supreme Court had directed the respondent to physically mark his presence once a week before the IO of the ED either at Gurugram or at Delhi and vide the impugned order, the Special Judge could not have allowed the respondent to travel abroad for a period of 09 days and the impugned order is liable to be set aside on this ground alone. He further contends that in fact this Court had directed the respondent to stay either at Gurugram or at Chandigarh and to appear every week before the Investigating Agency. By allowing the foreign travel for 09 days, the Special Court has violated the order passed by this Court as well. Learned counsel further submits that the present case involves huge amount of public money of approximately 1780 crores, which has been found to be siphoned off, out of India, to the overseas parent companies of IREO Group. Apart from that, the respondent was associated with many business entities in Singapore, United Kingdom as well as Dubai. Even, Mr. Anurag Bhargawa, Chairman of IREO Group is residing in USA, where, the respondent intends to travel. Since, the present petitioner is involved in a serious economic offence of money laundering, the application deserves to be rejected outrightly. Moreover, the respondent was the key conspirator in the entire crime and it is vital to

ensure the presence of the respondent within India. He further contends that there is a well founded apprehension that the petitioner might abscond from the process of law. He is already having several investments in different countries and in case, he is permitted to leave India, there is an apprehension that he might not return India to face prosecution in such a serious offence. Learned counsel further contends that the respondent had moved the application by producing his medical evidence and had submitted that he wanted to consult a foreign doctor, given inadequacy of the retinal eye treatment in India. However, the respondent could consult any super specialist in India and there was no urgency to travel abroad. Apart from that, multiple FIRs have been registered with different law enforcement agencies, alleging defraud and cheating of innocent home buyers at large by the IREO Group. Thus, keeping in view the gravity of the matter, the present application is liable to be dismissed by this Court. Learned counsel for the petitioner has also relied upon the law laid down by the Hon'ble Delhi High Court in the matters of *Directorate of Enforcement Vs. Kanwar Deep Singh, CRL. M.A. 8502/2022* decided on 24.05.2022, *Dr. Kanwar Deep Singh Vs. Directorate of Enforcement, CRL. M.C. 6638/2002 and CRL. M.A.12182/2023* decided on 24.05.2023 and *Mandhir Singh Todo Vs. Directorate of Enforcement, CRL. M.C. 289/2023* decided on 21.09.2023.

5. On the other hand, learned senior counsel appearing on behalf of the respondent has vehemently opposed the submissions made by the learned counsel for the petitioner. He submits that the petitioner had concealed the material facts and the relevant documents from this Court. In fact, vide the impugned order dated 31.01.2025, the Special Court had permitted the respondent to visit USA for a period of 09 days during February/March 2025. In fact, the respondent has already complied with the conditions imposed by the Special Court in the impugned order dated 31.01.2025 and he wanted to travel to USA on 25.02.2025. Still further, the respondent had moved an application for complying with the conditions imposed vide impugned order and the affidavit of compliance (Annexure P-1) has already been submitted before the trial Court on 14.02.2025. Still further, the petitioner had concealed the said fact before this Court, at the time of preliminary hearing and the petition deserves to be dismissed.

6. Learned senior counsel for the respondent has further referred to the e-tickets, e-mail showing appointment with doctor and copy of the FDR of Rs. 20 lacs as (Annexures P-2 to P-4). Still further, the respondent had not violated the conditions imposed by the Hon'ble Supreme Court and there is no illegality in the impugned order. Learned senior counsel further submits that even in the proceedings registered against him by SFIO, the Court of Special

Judge/ASJ/03, Dwarka Courts, New Delhi, vide order dated 12.02.2025 had allowed similar prayer of the respondent. The petitioner has already complied with the conditions imposed by the Special Judge/ASJ/03, Dwarka, New Delhi and had also deposited the passport of his wife in compliance of the order dated 12.02.2025 passed by the Special Judge, SFIO. Further, the respondent has been granted the permission to travel abroad for eye treatment and has an appointment scheduled with doctor at USA, which was secured with great difficulty. He further contends that one more ECIR has been registered against the present petitioner on same cause of action, wherein, the permission has been granted to the respondent to travel abroad for a period of 09 days. Apart from that, the permission to travel abroad has been granted by the Special Judge, after examining the medical record of the petitioner. Thus, the petition deserves to be dismissed by this Court.

7. I have heard the rival submissions made by the learned counsel for the parties and perused the record carefully.

8. Before proceeding any further, it would be appropriate to refer to the judgment passed by the Hon'ble Supreme Court in the matter of ***Menka Gandhi Vs. Union of India 1978 (1) SCC 248***, whereby, the Hon'ble Supreme Court of India has held that no person can be deprived of his right to go abroad, unless there is a law enabling the State to do so and such law contains fair, reasonable and

just procedure. The relevant extract of the judgment is reproduced below:-

Thus, no person can be deprived of his right to, go abroad unless there is a law made by the State prescribing the procedure for so depriving him and the deprivation is effected strictly in accordance with such procedure. It was for this reason, in order to comply with the requirement of Article 21, that Parliament enacted the Passport Act, 1967 for regulating the right to go abroad. It is clear from the provisions of the Passports, Act, 1967 that it lays down the circumstances under which a passport may be issued or refused or cancelled or impounded and also prescribes a procedure for doing so, but the question is whether that is sufficient compliance with Article 21. Is the prescription of some sort of procedure enough or must the procedure comply with any particular requirements? Obviously, procedure cannot be arbitrary, unfair or unreasonable. This indeed was conceded by the learned Attorney General who with his usual candour frankly stated that it was not possible for him to contend that any procedure howsoever arbitrary, oppressive or unjust may be prescribed by the law.

Thus, it is apparent that such a right to travel abroad cannot be deprived except by the just, fair and reasonable procedure.

9. Still further, this Court has held in the matter of ***Utkarshh Pahwa Vs. Assistant Director (PMLA), Directorate of Enforcement, CRM M-20123 of 2022*** decided on 13.05.2022 that it

can be safely concluded that in normal circumstances, permission could be granted to the petitioner to travel abroad as a right to right was a fundamental right and the same could be regulated by imposing conditions. The relevant extract of the judgment is reproduced below:-

*"5 The law governing the question of grant of permission to the petitioner for travelling abroad during the pendency of the trial has been elaborately discussed by this Court in authority of **Paramjit Kaur v. State of Punjab's case (supra)** in which reliance was placed on **Srichand P. Hinduja v. State through CBI, New Delhi 2002 (3) RCR (Criminal) 186 (SC)**, **Arun Kapoor v. State of Haryana 2004 (4) RCR (Criminal) 594 (P&H)**, **Brij Bhushan Singal v. Central Bureau of Investigation 1994 (3) RCR (Crl.) 498 (P&H)**, **Anjal Kumar @ Angel Kumar v. State of Punjab 2010 (1) RCR (Criminal) 201** and **Naginder Singh Rana v. State of Punjab 2004 (3) RCR (Criminal) 912** and on the basis of the said authoritative pronouncements of the Hon'ble Apex Court and this Court, it can be safely concluded that in normal circumstances, permission can be granted to the petitioner to travel abroad being his fundamental right to travel abroad, but the conditions are to be imposed for regulating and securing his presence during the trial.*

*6. Keeping in view the said ratio of the aforesaid authority of **Paramjit Kaur v. State of Punjab's case (supra)**, which is applicable to the facts of the present case, in which also the permission has been sought by the petitioner to travel abroad for a short duration for*

attending the marriage ceremony of his childhood friends and the supporting documents have also been placed on record, I grant permission to petitioner Utkarsh Pahwa to travel abroad for attending the marriage ceremony of his childhood friends Jay at Bangkok during the period from 25.1.2019 to 28.1.2019 and marriage ceremony of Medha Alhuwalia at Turkey from 08.2.2019 to 09.2.2019 subject to following conditions:-

(i) that the petitioner shall not seek extension of the period of his stay abroad at any ground whatsoever except in case of medical emergency and shall return to India from 1st trip by 29.1.2019 and by 10.2.2019 from the second trip.

(ii) that the petitioner shall not visit any other country except Thailand and Turkey.

(iii) that the petitioner shall not in any manner tamper with the evidence of the prosecution;

(iv) that the petitioner shall submit copy of his passport before visit and on return, within one week shall produce his passport in the court for placing on record its copy in respect of his said visit record;

(v) that the petitioner shall execute FDR/bank guarantee to the tune of Rs. 40 Lacs. This amount shall be returned to the petitioner when he will come back from his trips

7. Resultantly, petition is allowed in the above terms and the impugned order dated 2.1.2019 is set aside. 8. Since the main case has been decided, the pending CM, if any, also stands disposed of."

10. Even the Hon'ble Supreme Court of India in judgment titled **Satish Chandra Verma v. Union of India and others, reported as 2019 (2) SCT 741**, has also held that the right to travel abroad is an important basic human right and the said right also extends to private life- marriage, family and friendship. Relevant portion of the said judgment is reproduced herein-below: -

"5. The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship are humanities which can be rarely affected through refusal of freedom to go abroad and clearly show that this freedom is a genuine human right. (See Mrs. Maneka Gandhi v. Union of India and Another (1978) 1 SCC 248). In the said judgment, there is a reference to the words of Justice Douglas in Kent v. Dulles, (1958) 357 US 116 which are as follows: "Freedom to go abroad has much social value and represents the basic human right of great significance."

11. In the present case, the order dated 24.02.2022, this Court had granted the interim bail to the present respondent after noticing his medical condition. Even, learned State counsel had placed on record the report of the medical board, comprising of 07 doctors. The operative part of the said report has been reproduced below:-

1. Psychiatry Department: Patient is an old case of mixed anxiety and depressive disorder who currently presented with anxiety symptoms, panic episodes with psycho social crisis at times which has exacerbated for one month. Patient has consulted multiple government and private psychiatrists and have been advised psycho social rehabilitation with psychiatric medications. There is intermittent improvement of psychiatric symptoms but no complete improvement is achieved. Currently patient has been started on tab Sertaline 50 mg OD, tab Popanolol 20 mg OD, tab Alprax 0.25 mg HS/SOS in severe anxiety.

Patient is advised psycho social management with psychotherapy at higher centre along with environmental support.

2. General Surgery Department: The patient had complaints of bleeding per rectum and pain abdomen and was examined on 21/02/2022. Periumbilical tenderness was present along with history of loose stools 6-7 times per day. Internal hemorrhoid grade II @ 3, 7, 11 o'clock position were present. Patient underwent laboratory tests and was advised USG abdomen, CECT abdomen and colonoscopy.

Subsequently the patient was referred to higher center for further assessment and Colonoscopy and management.

Now patient has undergone colonoscopy test at Jivaka Healthcare Gurugram which is suggestive of anal fissure, hemorrhoids and proctitis. The patient was preliminary diagnosed as infective/ulcerative colitis. Biopsy was taken as documented.

Patient is advised further assessment and management under Gastroenterologist at higher centre. Gastroenterologist at higher centre.

3. ENT Department: *On 12/02/2022, patient had complaints of vertigo and tinnitus for 5 days. No history of spontaneous nystagmus, positional vertigo and ataxia was absent. Pure tone audiometry and X ray cervical Spine was advised. Repeat examination on 19/02/2022 was done and PTA was again advised with avoidance to loud noise.*

Currently, he still has complaints of vertigo and tinnitus for which he requires further assessment and management under ENT department.

4. General Medicine Department: *Patient is a known case of hypertension with hypertriglyceridemia with?*

angina. His BP was 140/86 mmHg on medication. Patient is currently on Tab Amlip 5 mg OD, Tab Fenolip-145 mg 1-tab HS, Tab ecosprin 75 mg 1-tab HS, Tab Eptus 25 mg OD and Tab Embeta XR 25 mg OD. Patient was advised Stress Thallium Test (Modified Bruce protocol) by cardiologist as Treadmill Test (TMT) was inconclusive. Clinically, he has mild improvement in symptoms and is advised to continue same treatment and undergo Stress Thallium Test as advised by cardiologist at higher centre.

5. Eye Department: *He is an old case of Central Serous Retinopathy (CSR) status post Photodynamic Therapy (PDT) with Laser, presenting with black patches in vision and floaters on 22/02/2022. He was advised OCT scan and retina specialist opinion. He has now come with reports of Optical Coherence Tomography (OCT) and Fundus Fluroscein Angiography (FFAJ) which were suggestive of left Classic Neovascular Membrane (CNVM) along with CSR for which injection Eyelea is required. The injection may be repeated, if there is no improvement in symptoms. He is advised further management at a well-equipped Retina Disease Eye Centre.*

6. Neurosurgery Department: Patient complained of right upper limb pain (associated with paresthesia) with lower backache. He was advised MRI cervical and L/S spine for the same. He also had high Blood pressure for which cardiology workup was advised. He underwent USG right upper limb doppler which reported dampening of right subclavian artery, He was diagnosed as a case of Cervical Angina which is suggestive of Thoracic Outlet Syndrome. MRI cervical myeloradiculopathy spine report on 01.03.2022 revealed C6-C7 PIVD (Prolapsed Inter Vertebral Disc) with neural compression on left (> right) exiting nerve and foraminal focal stenosis with multilevel degenerative changes. In lumbar spine, there was an annular tear at L3-L4 and L4-L5 disc level. For lower backache, patient had partial relief of symptoms. Patient has been advised tab Hifenac P and Buvalor pain relieving patch (10 mg) for chronic pain. In view of these findings from MRI C-spine and LS spine, patient require further management under Neurosurgery department.

Conclusion: In view of the examination and medical reports as submitted by the patient before Board

Members, the patient requires further treatment and consultation at a well-equipped higher hospital/Centre”.

From the above referred report of the board of doctors, it stood established that even at the time of grant of interim bail on 24.02.2022, the respondent was not maintaining good health. Even, he was diagnosed with an old case of Central Serous Retinopathy (CSR) and black patches in vision were noticed. He was advised further management at well equipped Retina Disease Eye Centre. It is apparent from the impugned order that now the condition has further deteriorated and the applicant wants to go to USA for specialized treatment/consultation from a well reputed eye specialist. Even otherwise, such a permission cannot be denied only on the ground that the respondent is accused of a serious offence.

Ultimately, the interim order dated 24.02.2022 was made absolute by this Court on 08.04.2022. Later on, a person Anand Gupta had filed SLP (Criminal) 12164 of 2022 before the Hon’ble Supreme Court and the Supreme Court ordered additionally that the respondent will physically mark his presence once a week before the Investigating Officer of the ED either at Delhi or Gurugram.

12. The main contention raised by the learned counsel for the petitioner is that the petitioner is involved in a serious economic offence and several FIRs/cases have been registered against him at the

instance of several flat buyers. Still further, the petitioner was involved in siphoning off a huge amount of public money, i.e., approximately, Rs. 1780 crores, which had been taken out of the overseas parent Companies of IREO Group. Still further, during the investigation, it was found that Anurag Bhargava, Chairman of the IREO Group was also residing in USA, where, the respondent intends to travel. Still further, the respondent was the key conspirator in the present case and his presence was required at the time of investigations in various cases as well as trial and there was a well founded apprehension that he might abscond from the process of law. Apart from that, while passing the impugned order, the Special Judge had completely overlooked the order (Annexure P-4) passed by the Hon'ble Supreme Court, whereby, the respondent was directed to physically mark his presence once a week before the IO of the ED, either at Delhi or Gurugram. However, I find no force in the submissions made by the learned counsel for the petitioner. In fact, vide order dated 18.05.2022 (Annexure P-4), the Hon'ble Supreme Court had directed the respondent to physically mark his presence once a week before the IO of the ED either at Delhi or Gurugram. In the present case also, the respondent has filed an affidavit (Annexure P-1) before the Special Judge, PMLA, Panchkula, mentioning the fact that the petitioner shall appear before the ED on 24.02.2020 in the week commencing from 24.02.2025 and after returning from USA, he will mark his presence on 06.03.2025 in the next week, i.e., the week

commencing from 03rd March 2025. Thus, there was no violation of the order passed by the Hon'ble Supreme Court as the respondent has already agreed to mark his presence every week before the IO of the ED. Still further, the parents, wife and other family members of the respondent are already living in India. The respondent is a man of means and is having his business set up in India. The petitioner has already attached the property of the respondent of approximately worth of Rs.1377 crores. Thus, it appears that there are no chances that the respondent would flee to some other country or would not be available in India in future.

13. Still further, I have carefully perused the findings recorded by the trial Court. While allowing the application, the following findings have been recorded by the Special Court:-

“6 It is true that allegation of money laundering against applicant-accused is quite serious and further that he is also involved in another case of money laundering but while considering the present application, this court cannot turn a blind eye to the fact that the applicant accused is undeniably suffering from a serious eye disease related to retina of his left eye which if not treated properly, may even lead to permanent loss of vision. Needless to say, an accused even if accused of a serious offence, has a right to obtain proper medical treatment and considering the kind of disease he suffers from, he has a right to approach any doctor or medical centre of his choice for treatment. In the present case, applicant-accused wants to go to USA for specialized

treatment/consultation from a World Renowned Eye Specialist. He may be declined permission for said purpose if the required medical treatment is available in India but if the treatment even though available in India, is not producing desired results and the treating doctor in such circumstances has advised the applicant to go for a second opinion and for that purpose, if applicant-accused has to travel abroad, then in that event, he cannot be declined permission only for the reason that he is accused of a very serious offence of money laundering. Considering the material produced on the record by the applicant-accused qua his eye ailment, it can well be observed that his ailment is quite serious which if not got treated properly and urgently, may lead to further complications as serious as of loss of vision. In the opinion of this court, such situation must be prevented from arising and, therefore, applicant-accused must be granted permission to visit USA. It is true that by the order dated 18.05.2022 passed by Hon'ble Supreme Court of India, applicant is required to mark his presence every week before the Enforcement Officer of the Directorate of Enforcement either at Gurugram or Delhi but only by the reason of said condition, the present application cannot be said to be not maintainable inasmuch as during course of arguments, it was undertaken by applicant as well as his counsel that said condition imposed by Hon'ble Supreme Court shall not be violated in any eventuality. It was submitted that applicant will be out of India only for nine days which will include the time to be spent while undertaking air journey from India to USA and back. It was also

submitted that he will leave India after marking his presence and on his return, he will again mark his presence well before the expiry of next week as per the direction of Hon'ble Supreme Court and in this manner, there will be no violation of the conditions of the order dated 18.05.2022”.

14. Even, I have perused the findings recorded by the Special Judge and find no grounds to interfere in the same. However, since the respondent is involved in a serious economic offence involving an amount of approximately Rs. 1780/- crores, it would be appropriate to impose following certain additional conditions on the present respondent:-

(i) The respondent shall deposit the passports of his parents, before leaving India and his parents shall not move any application before any Court for grant of permission to go abroad during this period of 09 days.

(ii) The original documents pertaining to the immovable property of the parents of the respondent shall also be deposited with the petitioner/Enforcement Directorate.

(iii) The respondent shall not alienate any property either in India or in USA during this period of 09 days.

(iv) During this period, the respondent will not travel to any other country except USA.

(v) The respondent shall produce a photocopy of the record pertaining to his medical treatment, in USA during this period, before the Court of Special Judge.

(vi) The respondent shall also comply with the conditions imposed by the Special Judge under PMLA, Haryana, at Panchkula in the impugned order dated 31.01.2025 as well as conditions imposed by this Court and the Hon’ble Supreme Court.

15. In view of the above, the present petition is partly allowed. The impugned order is ordered to be modified to the above extent.

16. Disposed off.

24.02.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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