$~59

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

\+ W.P.(CRL) 101/2023

RAJESH SARDARMAL JAIN .....Petitioner

Through: Mrs. Anjali Jha Manish, Mr. Priyadarshi Manish, Mr. Shreyansh Kushwaha, Mr. Jatin Kumar Gaur, Mr. Paras Aneja, Mr. Aman Ahluwalia, Advocates

Versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS. .....Respondents

Through: Mr. Anand V. Khatri, ASC for the State
Mr. Anupam S. Sharma, SPP for CBI with Mr. Prakarsh Airan, Ms. Harpreet Kalsi, Mr. Ripudaman Sharma, Mr. Vashisht Rao, Mr. Syamantak Modgill, Advocates
Mr. Jivesh Tiwari, SPC with Ms. Samiksha, Advocate for R-3/UOI

**CORAM:**
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**O R D E R**

% **10.02.2025**

**CRL.M.A. 4090/2025** (*for directions*)

1. The Petitioner, through the present application, seeks a direction restraining Respondents No. 2 and 3 from detaining him in view of the order

dated 22nd May, 2024, which suspends the impugned Look-Out Circular[1] issued against him.

2. Considering the nature relief sought, the Court deems it appropriate to consider the main writ petition itself. With the consent of counsel for both parties, the writ petition is taken up for hearing today itself.

3. Accordingly, the present application is disposed of.

**W.P.(CRL) 101/2023**

4. The present writ petition filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973[2], seeks quashing of the LOC dated 27th July, 2022[3], issued by the Superintendent of Police-2, CBI, New Delhi *vide* reference no. 4543/RCBD12011E0002/CBI/BSFB.

5. The impugned LOC emanates from FIR No. RCBD12011E0002 of 2011 dated 21st January, 2011, registered by CBI, BSFB, New Delhi, against Texcomash International Ltd., for the offences under Section 120-B read with Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860[4] as well as Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988[5].

6. Counsel for the Petitioner raises the following grounds for seeking quashing of the Impugned LOC:

6.1. The FIR was registered on the allegation that Texcomash International Ltd. and its directors conspired with certain employees of the State Bank of Mysore, IFB, New Delhi, during the period of 2009-2010 to

---

[1] "LOC"
[2] "CrPC"
[3] "Impugned LOC"
[4] "IPC"

submit fabricated documents for negotiation of export bills, thereby causing financial loss to the State Bank of Mysore. The prosecution's case against the Petitioner is that a firm owned by him – i.e., M/s Western Alliance International Limited, Hong Kong had issued a Letter of Credit[6] in favour of the accused company –Texcomash International Limited.

6.2. Summons were issued to the Petitioner in 2014 to join the investigation, pursuant to which he has appeared before the Investigating Officer[7] on at least seven occasions, from 7th –8th October, 2014, until 18th February, 2016. Meanwhile, as the investigation progressed, the prosecution filed three supplementary chargesheets. It is only in the third supplementary chargesheet dated 05th August, 2022, that the Petitioner has been arrayed as Accused no. 24. However, despite being named in the chargesheet, the Petitioner has never been arrested in connection with the case and has cooperated with the investigation whenever required by the CBI.

6.3. The Respondents had previously issued an LOC against the Petitioner, which was subsequently withdrawn in February 2016 at their own instance. Reliance is placed on the order dated 21st July, 2023, passed by the Trial Court, whereby an LOC issued against a co-accused (Accused No. 25 in the third supplementary chargesheet) was quashed. The present LOC stands on the same footing and, therefore, ought to be set aside.

6.4. During the pendency of the present proceedings, the Petitioner, being a resident of Dubai filed an interim application [Cr. M.C. 4147/2024], seeking permission to travel to India without any hindrance arising from the impugned LOC. Taking into account the nature of the request and the factual

[5] "PC Act"
[6] "LC"

matrix of the case, this Court, by order dated 22nd May, 2024, suspended the operation of the impugned LOC.

6.5. In the aforesaid order, the Court observed that the sole purpose of issuing the LOC appeared to be to secure the Petitioner's presence before the Trial Court, given that he is a Dubai resident. Accordingly, the Court issued *ad-interim* directions suspending the impugned LOC and directed the Petitioner to appear before the Trial Court. Further, the Court specifically clarified that the CBI shall be free to seek any direction to restrain the Petitioner from traveling abroad, by filing an appropriate application. Any such request was to be adjudicated by the Trial Court on its own merits, uninfluenced by the observations made in the suspension order. The *ad-interim* suspension of the impugned LOC has since been extended and remains in operation.

6.6 Subsequent to the aforenoted directions dated 22nd May, 2024, the Petitioner has appeared before the Trial Court on seven occasions, i.e., on 08th July, 2024, 26th July, 2024, 28th August, 2024, 01st October, 2024, 24th October, 2024, 26th November, 2024 and 09th January, 2025. On three of these dates i.e., 08th July, 2024, 26th July, 2024, and 28th August, 2024, the Petitioner appeared in person. In compliance with the directions issued by this Court, the Petitioner has consistently informed the Trial Court of his travel plans, both while entering and exiting the country. The orders of the Trial Court placed on record reflect this compliance.

7. On the other hand, Mr. Anupam S. Sharma, SPP for CBI, strongly opposes the present petition. He submits that the Petitioner is a national of the Commonwealth of Dominica and holds a Dominican passport.

---

[7] "IO"

Furthermore, he is a permanent resident of Dubai, UAE, and is allegedly involved in economic offences of serious magnitude. Given the nature of the allegations, he argues that tracking the Petitioner's movements is imperative in the national interest. He contends that the LOC serves a crucial function in ensuring that the Petitioner's travel into and out of India remains under scrutiny, and that its issuance is consistent with the prevailing legal framework governing LOCs.

8. The Court has carefully considered the contentions advanced by both parties. As noted, the impugned LOC was suspended by this Court by order dated 22$^{nd}$ May, 2024, and its suspension has remained in effect through interim directions ever since. In compliance with these directions, the Petitioner has duly appeared before the Trial Court on multiple occasions. Furthermore, the Trial Court's orders dated 26$^{th}$ July, 2024, and 28$^{th}$ August, 2024, explicitly record that the Petitioner has provided prior intimation regarding his travel plans. This clearly indicates that there is no apprehension of the Petitioner evading the due process of law. In such circumstances, the continued operation of the LOC serves no practical purpose.

9. Particularly, the investigation in the present case has long been concluded, charges have been framed, and the trial proceedings are at an advanced stage. Moreover, the Petitioner has already been granted bail by the Trial Court *vide* order dated 08$^{th}$ July, 2024, subject to conditions, including prior intimation of travel. The relevant portion of the bail order reads as follows:

> *"Since the accused have been charge-sheeted without arrest, hence in the interest of justice, both the accused are admitted to bail on furnishing personal bond and surety bond in the sum of Rs.25,000/-*

*each. Bail bonds on behalf of both the accused persons have been furnished. As stated by A-24 that he is resident of Dubai and he has come from there only to appear in the present case as his LOC has been suspended by Hon'ble Court, in these circumstances, he shall give prior intimation as and when he leaves the country."*

10. The apprehensions raised by the CBI regarding the need to monitor the Petitioner's travel and ensure his appearance before the Trial Court have already been adequately addressed through the conditions imposed in the bail order. Additionally, this Court, in its order dated 22nd May, 2024, had expressly permitted the CBI to seek directions restraining the Petitioner from traveling abroad by moving an appropriate application before the Trial Court. However, as admitted by counsel for CBI, no such application has been filed to date.

11. Given the aforesaid circumstances, the Court finds no justification for the continued subsistence of the LOC. Accordingly, the impugned LOC dated 27th July, 2022, stands quashed. However, the Petitioner shall remain bound by the bail conditions imposed by the Trial Court *vide* order dated 8th July, 2024. In particular, he shall continue to furnish prior intimation of his intended travel in and out of the country to both the Trial Court and the CBI.

12. With the above directions, the present writ petition is disposed of.

**SANJEEV NARULA, J**

**FEBRUARY 10, 2025/ab**