



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

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*Reserved on: 27th August, 2025
Pronounced on: 17th November, 2025*

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CRL.M.C.2711/2021

ASSISTANT DIRECTOR

Director of Enforcement
Government of India,
Delhi Zonal Office-II,
1st & 2nd Floor, MTNL Building,
Jawahar Lal Nehru Marg, New Delhi

.....Petitioner

Through: Mr. Zoheb Hossain, Special Counsel,
Mr. Vivek Gurnani, Panel Counsel
and Mr. Kartik Sabharwal, Mr.
Pranjal Tripathi and Mr. Kunal
Kochar, Advocates.

Versus

SHRI GAUTAM KHAITAN

S/o Shri O.P. Khaitan
R/o N-12, Panchsheel Park,
New Delhi-110017.

Also at:

M/s O.P. Khaitan & Co.
B-1, Khaitan House, Bhishma Pitamah Marg,
Block B, Defence Colony, New Delhi-110024

.....Respondent

Through: Mr. Siddharth Luthra & Mr. Madhav
Khurana, Senior Advocates with
Mr. Ramadity Tiwari, Ms. Roopa
Dayal and Mr. Subham Jindal,
Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T



NEENA BANSAL KRISHNA, J.

1. A Petition under Section 482 read with Section 439 Cr.P.C. has been filed by the Petitioner/Directorate of Enforcement (ED) seeking to set aside the Impugned Order dated 02.03.2021 of the Ld. Special Judge, PC Act, New Delhi, which *dismissed the ED's Application for Cancellation of Bail* granted to the Respondent/Gautam Khaitan *vide* Order dated 09.01.2015.
2. **Brief facts**, leading to filing of the present Petition are that RC No. 217 2013 A0003 was registered by the Central Bureau of Investigation (CBI) on 12.03.2013, under Section 120-B read with 420 IPC and Sections 7, 8, 9, 12, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. This case was filed against several individuals and entities, concerning the Agusta Westland International Limited VVIP helicopter deal against the Respondent and others, including Air Chief Marshal S.P. Tyagi (Retd.), related to the Agusta Westland matter. *The Chargesheet and a Supplementary Chargesheet were filed on 31.08.2017 and 17.09.2020, respectively, and are pending trial.*
3. Since the offenses were specified as Scheduled Offenses under the Prevention of Money Laundering Act, 2002 (PMLA), the ED initiated inquiries and recorded ECIR No. 15/DLZO/2014 on 03.07.2014.
4. The Respondent/Gautam Khaitan was arrested on 23.09.2014 under Section 19 of the PMLA. The first Prosecution Complaint was filed on 20.11.2014.
5. The Respondent filed an Application for the grant of Bail, which the Ld. Special Judge allowed *vide* Order dated 09.01.2015. The Bail was granted subject to specific conditions, including that the Respondent shall



not contact any witnesses of the case and shall not tamper with evidence directly or indirectly.

6. On 21.12.2019, the Petitioner filed an Application for Cancellation of Bail, alleging that the Respondent misused the liberty of Bail. The ED alleged that the Respondent had violated the Bail conditions by:

- a. *Hampering investigations.*
- b. *Exercising influence over crucial people linked to the case and asking them not to join investigations.*
- c. *Avoiding joining the investigation despite specific directions.*

7. The core arguments were based on intercepted communications, specifically WhatsApp chats and audio clips between the Respondent and Ms. Pareen Khan, and her statement recorded under Section 164 Cr.P.C and Section 50 PMLA. The ED claimed that the Respondent exploited his personal and professional relationship with Ms. Pareen Khan being a client, whose Company was allegedly used to launder proceeds of crime, to interfere with the investigation.

8. The Ld. Trial Court dismissed the ED's Application for Cancellation of Bail *vide* its Order dated 02.03.2021. The court noted that the "*alleged acts on the part of the accused are not so serious warranting cancellation of bail*".

9. Aggrieved by the dismissal of its cancellation Application, the ED filed the present Petition, seeking to set aside the Impugned Order dated 02.03.2021.

10. It is asserted that Respondent has concocted a story as to how the Company *M/s Carisma Investment Limited* of Ms. Pareen Khan has transferred the money to *M/s Gesica Zurich* and *M/s Elisra Electronics*



Israel as if the same is the loan given to these Companies. Ms. Paireen Khan in her statement under Section 164 Cr.P.C., had stated that Respondent had told her to back his story and had supplied two sets of documents in London to strengthen the claim and those documents have been submitted in the Enforcement Directorate. It is also stated in her conversation with Gautam Khaitan on 21.12.2019, the Respondent had threatened her and told her not to come to India.

11. It has not been considered by the Ld. Trial Court that the Respondent had also sent the copy of summons issued to Dev Inder Bhalla, to Ms. Paireen Khan to show that she was not the only one to receive the summons and directed her to ignore the same. The copy of the summons issued to Dev Inder Bhalla being found in possession of Respondent, indicates that he was in touch with Dev Inder Bhalla.

12. Moreover, Mr. Dev Inder Bhalla has not joined the investigations in the matter, reflecting the complicity and advice of the Respondent to Dev Inder Bhalla to not join the investigations. In the WhatsApp chat with Ms. Paireen Khan, the Respondent himself accepted that he had asked his other clients not to join the investigations conducted by ED, therefore, it is evident that he is hampering the investigations directly.

13. It is submitted that the perusal of details of foreign travels of Respondent shows that he was in Singapore from 11.03.2013 to 15.03.2013 at the time of request on 14.03.2013 for closure of account of *M/s Windsor Group Holdings Ltd.* in HBS AG Singapore. It can be construed that he has directly and willingly tried to derail the investigations.



14. It has also not been appreciated that Ms. Pareen Khan in her statement under Section 164 Cr.P.C., has stated that Respondent tried to tutor her about what was to be stated before the ED.

15. Learned Trial Court in the impugned Order had held that *“it cannot be disputed that in the absence of complete chat and conversation, the context cannot be understood and conclusion may not be correct.”*

16. Learned Trial court had directed the Petitioner to supply the relevant excerpts only, in case the supply of complete chat and conversation would hamper the investigation. The Trial Court had perused the entire conversation and chats along with other material relied upon by the Petitioner. Thus, the learned Trial Court was not correct in giving the above stated observations.

17. Learned Trial Court had wrongly held that Ms. Pareen Khan was a client of the Respondent and that she was taking advice from him in regard to the progress of the case. In fact, in the WhatsApp chats, audio clips, statement of Ms. Pareen Khan recorded under Section 164 Cr.P.C and Section 50 PMLA clearly reveal that the Respondent had used the Company of Ms. Pareen Khan by betraying her and by forging her signatures and had laundered the proceeds of crime through *M/s Carisma Investments Ltd.* When Ms. Pareen Khan came to know about this, she questioned the Respondent about the transactions made by the Respondent in her Company which was acknowledged by the Respondent. Additionally, Ms. Pareen Khan being a layperson, was not aware of the legal proceedings of which advantage was taken by the Respondent who asked her to not join the investigations and also tried to scare her from coming to India.



18. The Respondent had also told Ms. Pareen Khan that ED was a ‘mafia’ and that they will take away her Passport and thus, tried his best to convince her not to come to India to join investigations. The observations of the Ld. Trial Court that the Respondent did not influence Ms. Pareen Khan, is based of conjectures and surmises.

19. The evidence given by Ms. Pareen Khan also establishes that the Respondent is the owner of *M/s Windsor Group Holdings Ltd.* which is a fact he had denied throughout the investigations and in his Statement recorded under Section 50 PMLA under which he was bound to disclose the truth. The Respondent has even refused to receive the summons issued by the Court in the name of *M/s Windsor Group Holdings Ltd.* and has thus, delayed the trial.

20. The audio recording submitted by Ms. Pareen Khan also establishes that *M/s Palmira Consulting Services Ltd.* belongs to the clients of Respondent which he never disclosed, in order to hamper the investigations.

21. The learned Trial Court held in the Order that “*the alleged acts on the part of the accused are not so serious warranting cancellation of bail of the accused.*” This itself reflects that the Trial Court acknowledged that the Accused had committed the acts of hampering the investigations and amounted to violation of conditions imposed at the time of grant of Bail. Whether the violations are serious or not, is not a criteria to cancel Bail. The acts committed by the Respondent in violation of the Bail conditions, are extremely serious as he had tried to influence the witness for not joining the investigations and also to give false statements.

22. It has also not been considered that whenever the Respondent had travelled abroad, he had made it a point to meet Ms. Pareen Khan, be it in



London or Dubai. Furthermore, Ms. Pareen Khan had throughout maintained that the Respondent always wanted that she should not come to India, to join the investigations.

23. The Petitioner argued that the cumulative effect of these actions constitute a grave and serious violation of the Bail conditions.

24. *Thus, the impugned Order be set aside and the Bail granted vide Order dated 09.01.2015 be cancelled.*

25. *The Respondent/Gautam Khaitan, filed a detailed Reply to counter the Petitioner/ED's Application* for the cancellation of Bail, emphasizing that the allegations were groundless, selective, and fail to meet the high judicial threshold for retracting personal liberty.

26. It is stated that the Respondent had merely informed Ms. Pareen Khan that the Petitioner was giving her the true picture and based on the list of the Companies available with them; they know as to who are the official owners of the Company. She was bothered that if she was not involved in the Agusta Westland matter, then why was she getting summons again and again from the Petitioner. The Respondent was trying to tell her that neither she nor her Company, is involved with the case in any way.

27. However, investigation of many of his clients by the Petitioner had been done to see and in-linkage with Agusta case, but she was not ready to understand and was under the impression that because of the Respondent she was receiving summons from the Petitioner. Many of her relatives and family members scared her that if she came to India, she would be arrested, since, as per the media reports, she was involved in the Agusta case. The Respondent continuously tried to assure her that she was in no way connected with the case and is only being investigated by the Petitioner



because details of her Company had been found from the office of the Respondent during the search conducted in December 2014.

28. The Respondent pointed out that he being an accused, was not in a position to advice on the matter. Being a family friend and lawyer, he had advised her that her investigation would not be over in a day and therefore, she should plan her visit for a few days to effectively join the investigations. Accordingly, sometime in the second week of December 2019 when she came to India, the Respondent told her that he was happy that she has come to join the investigations and that she should not meet him till the investigations are over.

29. The Respondent sought directions from the Petitioner to place on record the WhatsApp transcript of the messages exchanged between Ms. Pareen Khan and the Respondent when she arrived in India in December 2019 and her statement as recorded under Section 50 PMLA.

30. It is denied that Respondent had stated that '*whatever happened to Shivani Saxena would happen to her*'. The Respondent had tried to explain to her that his other clients have also been served with the similar Notices for the reason that the summons in the name of the Respondent were also issued. Therefore, they were also asking him about the same. The Respondent assured that them also they need not be scared. It is in this context, that the accused had sent a copy of the Summons of some other client/Dev Inder Bhalla, to the Petitioner.

31. The Respondent has denied all the allegation of the Petitioner in regards to him advising Ms. Pareen Khan not to come to India and to make a story on the papers given by him and telling her that if she came to India, her Passport would be taken. It is claimed that redactions of the statement of



Ms. Pareen Khan has been done only to mislead the Court. The Petitioner has dishonestly manipulated the whole conversation by only providing the alleged affirmative first word 'yeah' precluding the entire sentence. This aptly proves that the Petitioner is trying to distort and manipulate the whole investigations against the Respondent and is directly targeting the basic safeguard as enshrined in criminal jurisprudence.

32. The redaction of the remaining words of the sentence only shows the *mala fide* of the Petitioner as the words were not of Ms. Pareen Khan, but that of Respondent and redacting Respondent's own words makes it clear that the Petitioner is trying to illegally create a wrong narrative and obtain an unjust Order.

33. It is submitted that the Respondent never stopped Ms. Pareen Khan from coming to India to join the investigations. In the alleged transcript, most of the dialogues were initiated by Ms. Pareen Khan and her own interpretation/anxiety was reflected. Being a family friend, the Respondent had always guided her that if she came to India, she should have adequate time to complete the investigation before she leaves India. Furthermore, transcript of WhatsApp messages reflect that she was habitual of having lengthy conversations on phone as well as on WhatsApp and repeating it again and again.

34. Owing to her old age, she was unable to understand the procedure of investigation in India and therefore, the Respondent had offered to help her on probable questions in case she does not have a lawyer. The allegation of threatening, pressurising and influencing is not reflected in any conversation or messages which warrant cancellation of Bail.



35. It is asserted by the Respondent that his history showed continuous cooperation with the investigation for years and he denied any deliberate evasion. The Respondent rejoined the investigation on 21.12.2019, and again on 03.01.2020. The delays in appearance on December 19 and 20, 2019, were due to prior unavoidable professional commitments and court matters. The Respondent highlighted that since his arrest and release on Bail, he was '*no more required for any Investigation as he has not been interrogated*' for long periods, reinforcing that cancellation of Bail was unnecessary.

36. The permission granted to travel was for multiple countries and mainly for business/professional purposes, and not solely to meet Ms. Pareen Khan.

37. The Respondent relied on settled legal principles to state that the circumstances presented by the ED, fell short of the high threshold required for Bail cancellation. The Bail once granted, should not be cancelled in a mechanical manner without considering the supervening circumstances that have rendered it no longer conducive of fair trial, to allow the Respondent to restrain his freedom by withdrawing the concession of Bail.

38. The considerations while *denying Bail* and *while cancelling the Bail* are substantially different. Very cogent and overwhelming reasons are required for cancellation of Bail. Such reasons are not made out from the material relied upon by the Petitioner. It is submitted that an Application for cancellation of Bail cannot function as a re-evaluation of the merits of the case. The investigation's complexity and length rests on the ED, not the Respondent, who should not be incarcerated indefinitely.



39. Furthermore, no Certificate under Section 65B Indian Evidence Act has not been filed in support of the material and nor has the original been placed on record. The Application for Cancellation of Bail has been rightly dismissed by the learned Special Judge.

40. The present Petition is not *bona fide* and certainly not in the interest of justice in view of the preliminary objections taken by the Petitioner. It is denied that grave prejudice is being caused to the Petitioner while it would cause immense hardship and prejudice to the Respondent, if the Bail is cancelled.

41. *It is, therefore, submitted that the present Petition be dismissed.*

42. *The Petitioner in the Rejoinder* has reiterated the grounds for Cancellation of Bail, as stated in the Petition.

43. *Written submissions have been filed on behalf of the Respondent* and reliance has been placed on Ramesh Netam vs. The State of Chhattisgarh [CRA No.1370 of 2015, Chhattisgarh High Court], Malay Kumar Ganguly vs. Dr. Sukumar Mukherjee & Ors. (2009) 9 SCC 221, Charu Soneja vs. State (NCT of Delhi) & Ors. [2022 SCC Online Del 5], SFIO vs. Aarti Singhal [2023 SCC Online Del 1956] and Manju Ajay Lulla vs. State [2024 SCC Online Bom 1990].

44. *The written submissions have also been filed by the Petitioner*, wherein same contentions have been raised as contained in the pleadings and have annexed the copy of the statement dated 31.12.2019 of Ms. Pareen Khan recorded under Section 164 Cr.P.C and Section 50 PMLA along with true copy of Whatsapp chats between her and the Respondent.

Submission Heard And Record Perused.



45. At the outset, it is necessary to state the settled law governing the cancellation of Bail. As held by the Apex Court in Daulat Ram vs. State of Haryana, (1995) 1 SCC 349, cancellation of bail is a “harsh order” and requires “*very cogent and overwhelming circumstances*” or “*supervening circumstances*” showing that the accused is abusing the concession granted, such as interfering with the course of justice or tampering with evidence. An Application for cancellation of Bail, cannot be treated as an Appeal against the original Bail order.

46. Further, the distinction between an Order of “Recall of Bail” and an Order of “Cancellation of Bail” needs to be highlighted.

47. Cancellation of Bail is warranted by subsequent circumstances that demonstrate the accused has misconducted himself or that supervening circumstances have occurred, rendering it necessary to revoke the concession of liberty. The grounds here typically involve the accused violating conditions, tampering with witnesses, or obstructing the legal process.

48. *Recall/Setting aside of Bail* is justified when the order granting bail itself is established to be unjustified, illegal, perverse, or arbitrary. In this scenario, the superior court scrutinizes the original decision to determine if the relevant factors were ignored or if the Bail was founded on irrelevant considerations.

49. This distinction was succinctly stated by the Apex Court in the case of Ashok Dhankad vs. State of NCT of Delhi and Anr. 2025 SCC OnLine SC 1690 as under:

“Considerations for setting aside bail orders



28. The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused”

50. In the light of the aforesaid law, the circumstances agitated by the ED, may now be considered.

51. In the present case, the **Respondent was granted Bail on 09.01.2015** while the Application for Cancellation of Bail was made on **21.12.2019**. The core of the Petitioner/Directorate of Enforcement’s (ED) argument for cancelling Bail hinges on the Respondent/Gautam Khaitan, allegedly misusing his liberty by **hampering investigations and influencing a key individual, Ms. Pareen Khan.**

52. The friendly relationship between the respondent and Pareen Khan emerges from her statement recorded under S.164 Cr.P.C. recorded on 31.12.2019 wherein she stated that she had met O.P. Khaitan and Rekha Khaitan about 38 years ago in Dubai and had become great family friends. At that time Respondent was about 17 years old. Every time she visited Delhi, she would stay in their house at Vasant Vihar and lately at



Panchsheel Park, New Delhi. Every time they visited London, they would stay with her. She has given the details of how they were having family relationship for the last more than 38 years.

53. She further explained that she was suggested by the Respondent to open a Company in Mauritius which he did in the name of *M/s Carisma Investment Ltd.* He also informed her that he has taken over an existing Company and, therefore, name was not an option for her. In the beginning of 2004, she had requested the Respondent to close the Company as he had to go back to London to look after her mother who had hurt herself. She had met him 3-4 times in a year. She believed when he said that the Company has been closed. In 2006, while he was in Dubai, she had again enquired about the Company being closed, on which he had got angry and that he would have to ask Pummy Uncle to take over so that she could be out of the Company. She was unable to understand why he never wanted to simply shut the Company.

54. In 2008, some letters were sent to her requesting that the management of the Company ought to be shifted from Fideco Global to ML Administrators. She signed the requisite papers and sent him in 2014 while she was in Dubai.

55. She further stated that she saw the news of Gautam's arrest. It was being reported that he had formed shell Companies in Tunisia, Dubai and Mauritius, on which she got disturbed. When he got out on Bail, she came to Delhi and stayed with them between end of 2014 till beginning of 2015. In the morning when she enquired about the Company at Mauritius, she was told by O.P Khaitan to wait till the evening when he would return and talk to her. She again talked to O.P Khaitan who assured that Gautam had not used



her Company for any transaction. *She kept asking Respondent about the details of the business done in the name of her Company from 2003 to 2012,* but she also got to know that there was a Bank account, the statement of which were never shared by the Respondent with her. She was informed that the Company was closed in 2012, and all the records were destroyed.

56. Pareen Khan further stated that on 15.06.2016 she got a call from Mumbai informing about the summons being served by ED. She met the Respondent in July 2016 at Churchill Hotel London and enquired about the Summons. He explained that his computers have all been seized in which her name as well as of other clients' feature. 50 of his clients had received summons. He said that ED *was a mafia, and they extort money.* Since she was not very smart, she kept asking him for being summoned by ED again and again. She got the summons in January, 2018. She met the Respondent three more times during 2018. The last meeting was on 02.12.2018. All meetings were at London. She further stated that she never was served with the summons, but only got to know the same from others as they were being sent at her friend's address at Mumbai.

57. The statement of **Pareen Khan** under S.164 Cr.P.C. makes it evident that the Respondent and Pareen Khan had a ***business relationship*** which had a significant financial as well as legal component dating back to the early 2000s, which also became the reason of involvement of the name of Ms. Pareen Khan's involvement in the ED's inquiry. This becomes apparent from the WhatsApp chats between the parties, and the same are extracted as under:

"15.01.2019 – But how could you try to do something like that without my knowledge? You only suggested to me in



2003 to open the Company. And today I think what was your interest for me to open the Company. I never asked you. You suggested that to me when I was staying with you in Delhi.

15.01.2019 – I'm the biggest fool and trust people blindly and this is what's happened.

15.01.2019 – I don't believe those documents.

Please don't try to fool me anymore. Those are made up.

16.12.2018 – Pls call on 919990477667.

16.12.2018 – So I want to know about those papers that you gave.

11.01.2019 – Pls keep a list I have deleted ur message.

25.01.2019 – I am In custody don't message anything tell Pallavi I am in India."

58. It is further evident from Ms. Pareen Khan's statements under S. 50 PMLA and S.164 Cr.P.C, that her **constant contact with the Respondent was initiated out of "hyper anxiety"** and a desire to seek information from a lawyer and long-time family friend whose previous actions had seemingly led to her current predicament. This background provides a crucial non-malicious explanation for their continued contact, especially in a time of anxiety following the issuance of summons.

59. The Petitioner had met Respondent met Ms. Pareen Khan multiple times in London and Dubai during periods when the Court had granted him permission to travel overseas. The Petitioner argued this was done to influence her post-summons issuance. To agitate the same, the ED has relied on WhatsApp conversations between the two.

60. The Respondent's defense to this is that the travel permissions were sought for **legitimate professional/business purposes** and were broad enough to cover multiple countries stands against the specific charge of targeted misuse.



61. The ED has essentially relied on the WhatsApp conversations between the Respondent and Ms. Pareen Khan from November 2015 until 22.10.2019, to assert that Respondent had tried to influence Pareen Khan. However, these conversations need to be considered in this context of their long-standing relationship, characterized by a close family friendship, a lawyer-client dynamic, and a business-related past which was not recent but was since more than 38 years, need to be considered. The detailed conversation wherein the Respondent allegedly had tried to influence Ms. Pareen Khan begins from 15.01.2018 which reads as under:

“15.01.2018 – Let’s not discuss this on my phone I will try to get a local phone tmrw to call otherwise will call from Delhi on Sunday I am meeting the concerned guy on 24th Jan.

15.01.2018 – I am sorry I am with 10 people In meeting can’t get out to make a call pls don’t get panicking again and again.

15.01.2018 – They are already aware of all my overseas companies.

16.01.2018 – I have never shied from speaking to u or meeting u or helping u in any manner what so ever but I have to be careful and not let any harm come to u specially if u come to India they may say u can’t leave till the case is over this what they say to others and harass them so they say something against me which can help them whether true or not.

23.09.2018 – Not coming there but going to Zambia in Africa.

27.09.2018 – Yes I am in Africa can we speak Tmrow morning.

27.09.2018 – Tmrow is better.

13.10.2018 – I think I should just come to Delhi.

I want to connect with you on 25th. If you can’t talk, it’s ok for me to message, I have two other numbers of yours.

29.10.2018 – I have reached Zambia.



*I am leaving hotel for a meeting.
 We can speak Tmrow evening while I am here.
 13.11.2018 – Let's talk on 20th I am on way to China
 right now and What's app does not work in China.
 13.11.2018 – I will be in transit in hongkong on 19th
 evening let me connect then but seems ok for my travel.
 02.12.2018 – I am in the bar area.
 04.12.2018 - Arrived will give to Majoj Tmrow in the
 evening.
 04.12.2018 – He will give to daughter to give u.
 04.12.2018 – Tmrow.
 21.12.2018 - +8675728812222 room no.2728
 14.01.2019 – My memory doesn't fail me. I'm 200%, my
 company was formed in June/03.
 14.01.2019 – Obviously Shakil is going to do what you
 tell him.*

62. Given the nature of their **long-term family friendship** spanning over 38 years, the fact that they met while both were abroad, the Respondent being on approved travel and Ms. Pareen Khan residing/traveling overseas, points out that the meetings were not targeted to influence Pareen Khan, as is claimed by ED. The Respondent did not seek permission to travel to meet her, and the same is apparent from the Chats as well. The Respondent he was travelling all around from Zambia to China to Hong Kong for his business and it cannot be said that he was travelling for sole purpose of meeting Pareen Khan, as is alleged by the Petitioner/ED.

63. The mere occurrence of meetings during approved travel, without any clear evidence that these meetings were an **'overwhelming supervening circumstance'** to forfeit liberty of an accused on the ground of hampering of the case; a fact already negated by the evidence, fails to meet this high threshold of cancellation.



64. The ED has vehemently contended that the very fact that summons of Inder Bhalla were forwarded by the respondent, shows that he was in contact with various witnesses with the objective of influencing them.

65. It emerges from record that after receiving summons from the ED in 2016, Preen Khan out of '**hyper anxiety**' after receiving the summons, met the Respondent who explained that her name along with those of 50 other clients, featured on his seized computers. It is to allay her anxiety that he had told her that he has about 50 clients to whom the summons had been sent, out of which many had been settled. He had forwarded the summons of Dev Inder Bhalla (*his another client who had received the summons*) only to convince her that similar summons have been received by other clients. The respondent has explained that the copy of summons were in his possession as Inder Bhalla was also his client, and not because he was trying to influence them. The conversations presented were often in the nature of **advice, when asked**. Mostly, it was Preen Khan who called the respondent.

66. The ED has further contended that the Respondent allegedly advising her to "*ignore the summons*" and warned her that she would be "*treated like Shivani Saxena*" or arrested, but that was more when Preen Khan had multiple conversations with him *seeking his advice*, being a friend and her Advocate having helped in setting up the Company for her. Ms. Preen Khan in any case, voluntarily travelled to India and appeared before the ED multiple times on December 12th, 13th, 18th, 19th, 20th, and 21st, 2019.

67. A detailed statement on 31.12.2019 was recorded of the Respondent's Ms. Preen Khan under Section 164 of the Cr.P.C. wherein she gave her correct statement disclosing all the facts in her knowledge thereby demonstrating that she fully co-operated with the ED and.



68. The explanation that the advice to stay away was a “*precautionary measure*” during the Respondent’s daughter’s wedding , and that he was merely offering advice on **probable questions** and how to answer them in his role as a lawyer, mitigates the charge of pure malicious intent.

69. Looked in this context, it cannot be said that the Respondent was in touch with the other co-accused solely for the purpose of hampering the investigations or tampering with the evidence.

70. The underlying material, i.e. the WhatsApp chats and recorded conversation excerpts, presented by the ED do not establish that the Respondent **threatened or pressured** Ms. Pareen Khan. The Trial Court itself noted that the conversation excerpts provided by the ED were **incomplete** and that the “*context cannot be understood*”. The Court concluded that the “*alleged acts on the part of the accused are not so serious warranting cancellation of bail*”.

71. Moreover, at the time the cancellation Application was filed, Ms. Pareen Khan had not been formally arrayed as a witness in any successive Complaints for several years, which further weakened the claim of influencing a ‘witness’.

Non-Cooperation and Evasion:

72. The ED had argued the Respondent deliberately and planned his foreign trip to evade confrontation with Ms. Pareen Khan between **18.12.2019 and 21.12.2019**.

73. The Respondent has provided documented justification for his initial failure to appear, citing **prior and unavoidable judicial/professional commitments** in Delhi and an official meeting in Ahmedabad that could not be cancelled.



74. Crucially, the Respondent demonstrated his bona fide intent to cooperate by immediately re-joining the investigation on **21.12.2019**, and subsequently agreeing to **prepone his foreign trip** to return by **03.01.2020** to facilitate the planned confrontation. This compliance made in accordance with the Court's directive, negates the assertion of wilful, sustained obstruction.

75. The ultimate failure of the confrontation on 03.01.2020 was attributed by the Respondent to the fact that Ms. Pareen Khan was '**not available**' as she had already left the country, for medical reasons/fear. The inability to conclude the investigation promptly, cannot be solely attributed to the Respondent's conduct.

76. The Respondent has rightly emphasized that since Bail was granted in 2015, he had '**consistently cooperated**' with the investigation for over five years, attending numerous requests for investigation and all court hearings, further undermining the claim of systemic non-cooperation.

77. The actions cited by the Petitioner, when viewed alongside the Respondent's explanations and subsequent cooperation, do not demonstrate the requisite threshold of liberty of Bail, to warrant the cancellation of Bail.

78. The Respondent, an advocate with **deep roots in Indian society and the legal fraternity**, continuously sought and was granted permission to travel abroad from the court, suggesting the court was satisfied he was **not a flight risk**.

79. The Respondent had **consistently cooperated** with the investigation for over five years since bail was granted, attending numerous requests for investigation, with and without summons, and all court hearings.



80. The Bail was granted on merits on 09.01.2015, considering factors such as the documentary nature of the evidence and the Respondent having already been in custody for about three and a half months. There exist no grounds of abuse of this liberty or any endeavour to hamper the investigations, mandating cancellation of Bail order.

Conclusion:

81. The ED has failed to demonstrate the “*cogent and overwhelming circumstances*” necessary to retract the personal liberty enjoyed by the Respondent for over six years. The gravity of the offense, while a factor at the time of granting Bail cannot, is not a sufficient reason for cancellation absent any clear abuse of liberty.

82. In the light of the aforesaid discussion, it is held that there is no infirmity in the Order of the learned Special Judge dismissing the Application of Enforcement Directorate for Cancellation of Bail of the Respondent.

83. The Petition is accordingly dismissed, along with pending Applications, if any.

**(NEENA BANSAL KRISHNA)
JUDGE**

NOVEMBER 17, 2025

va