



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

% **Date of Decision: August, 21, 2025**

+ **W.P.(C) 11203/2025**

ATUL PUNJ

.....Petitioner

Through: Mr. Dayan Krishnan, Sr. Adv. with
Mr. Aditya Dewan Sukrit Seth, Mr.
Aditya Rajgopalan and Ms.
Himangi Kapoor, Advs.

Versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Ripudaman Bhardwaj, Adv.
(through VC)

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (O R A L)

1. The present writ petition has been received on transfer on an urgent mentioning.
2. The petitioner, *vide* the present writ petition under *Article 226* of Constitution of India, seeks the following reliefs:

“A. Issue a Writ, Order or Direction in the nature of Certiorari and/or Mandamus or any other appropriate Writ/Order/Direction suspending the Look-Out Circular(s), if any, issued against the Petitioner (bearing passport No. Z4270314) by the Respondent No. 3 at the instance of Respondent No. 1 and 2 and permitting the Petitioner to travel to Lisbon (Portugal) and Spain via Dubai, UAE between 25.08.2025 to 16.09.2025 on such terms and conditions this Hon’ble Court deems fit; AND/OR

B. Issue a writ of certiorari/mandamus or any other writ/ order/ direction in the nature thereof directing the Respondents and its officers to not restrict the Petitioner (bearing Passport No. Z4270314) from travelling to Lisbon (Portugal) and Spain via



Dubai, UAE for any reasons whatsoever; AND/OR

C. Pass any other/further order(s) or direction(s) as this Hon'ble Court may deem fit and necessary in the interest of justice."

3. Succinctly put, the petitioner seeks suspension of the Look Out Circular (LOC) issued against the petitioner by the respondents and further seeks permission to travel to Lisbon (Portugal) and Spain *via* Dubai, UAE between 25.08.2025 to 16.09.2025.

4. At the outset, learned senior counsel for the petitioner drawing the attention of this Court to the Medical Report dated 17.06.2025 issued by the *Department of Nuclear Medicine and PET-CT*, Max Super Speciality Hospital, Saket (East Block), New Delhi-110 017 (*Max Healthcare*) [*Annexure 1*], submits that there is an emergent need for the petitioner to have filed the present writ petition for seeking appropriate reliefs for travelling abroad. The relevant extract of the said Medical Report dated 17.06.2025 issued by the Max Healthcare is reproduced as under:-

"... ..Brief clinical history: Patient was incidentally detected to have increased S.PSA. MRI prostate suggestive of PIRADS-4 lesions in peripheral and transition zones. S.PSA-11 ng/ml. Current PET-CT is being done for disease status evaluation.

Non PSMA avid, exophytic hypodense lesion with areas of fat attenuation is noted in lower pole of right kidney, measuring~2.8 x 2.4 x 2.6 (cc) cm-? angiomyolipoma.

Prostate gland measures ~4.2 x 5.2 x 4.9 (cc) cm. Low grade heterogeneous PSMA uptake (SUV max: 2.9) is noted in central and transition zones of the prostate gland. A subcentimeter sized focal enhancing nodule with no significant PSMA uptake is seen in right posterior peripheral zone of the mid gland. Bilateral seminal vesicles appear unremarkable."

5. Learned senior counsel for the petitioner then submits that though



the petitioner is involved in different proceedings, which are still pending, however, this Court, in an earlier writ petition being W.P.(C) 9372/2024 filed by him, *vide* order dated 07.01.2025, permitted suspension of the LOC issued against the petitioner by the respondents to allow the petitioner to travel to the United Kingdom for a period of 15 days i.e. from 01.02.2025 to 15.02.2025 as also granted liberty to approach the Court, should the circumstances warrant, subject to certain conditions imposed therein. The relevant extracts of the aforesaid order dated 07.01.2025 is reproduced herein as under:

“... ..13. The principle of res judicata, enshrined in Section 11 of the Code of Civil Procedure, 1908, precludes a Court from adjudicating an issue that has been directly and substantially decided in a prior proceeding between the same parties. However, the doctrine of res judicata does not rigidly apply to writ proceedings, especially in cases where ongoing violations of fundamental rights are alleged. Even the principle of constructive res judicata which is often applied to ensure judicial finality, cannot prevent the enforcement of fundamental rights when the cause of action has undergone change. When subsequent developments alter the factual or legal matrix, courts retain the flexibility to revisit and adjudicate such matters to ensure justice. In such cases, courts must adopt a pragmatic approach, balancing the need for judicial finality with the imperative to protect constitutional rights in light of new and compelling circumstances. Thus, the doctrine of res judicata or constructive res judicata cannot be stretched to perpetuate restrictions on fundamental rights, particularly when the justification for such restrictions has dissipated.

x x x
x x x

23. In any event, SFIO possesses the mechanism to obtain evidence independently, including through forensic analyses of PLL’s financial accounts. The liquidator of PLL, appointed during the liquidation proceedings, holds custody of all relevant company records, which are readily accessible to the SFIO for their investigation. It is also noteworthy that the investigating agencies are already apprised of the Petitioner’s foreign assets, leaving little room for concealment or evasion. Crucially, there have been no



6. Learned senior counsel for the petitioner then submits that though the aforesaid order dated 07.01.2025 passed by the learned Single Judge was challenged by the respondent no.2 before Hon'ble Division Bench of this Court in LPA 77/2025, however, the Hon'ble Division Bench, *vide* order dated 31.01.2025, affirmed the order dated 07.01.2025 passed by the learned Single Judge and disposed of the appeal observing as under:

"... ..9. Insofar as the other assets of the respondent are concerned, we are informed that apart from those which stand recorded in his own name, the SFIO had in the course of its investigation also uncovered various assets and properties in which it was alleged that the respondent had a beneficial interest. In the course of those proceedings, the respondent is stated to have admitted to some of those assets present in the country being liable to be viewed as his property.

10. We thus only deem it apposite to note that such properties and immovable assets, which were acceded to before the SFIO in the course of its investigation as belonging to the respondent, shall not be transferred nor would any third party interests be created upon them, during the period of the respondent's travel."

7. Subsequently, the petitioner herein filed another writ petition before this Court being W.P.(C) 5141/2025 seeking similar reliefs i.e. for travelling to London, UK and Milan, Italy between 23.06.2025 to 11.07.2025, which, was also disposed of *vide* order dated 16.05.2025 by a learned Single Judge after taking note of the previous orders dated 07.01.2025 and 31.01.2025, after imposing certain conditions, as enumerated in paragraph nos.8 and 10 of the aforesaid order dated 16.05.2025.

8. Learned senior counsel for the petitioner submits that the documents as well as the amounts deposited pursuant to the directions as



contained in paragraph nos.8 and 10 of the order dated 16.05.2025, are still lying with the Registrar General of this Court.

9. Based thereon, learned senior counsel for the petitioner urges this Court to allow the present writ petition on the same terms and conditions.

10. *Per Contra*, learned counsel for the respondents, appearing through video conferencing, opposes grant of the reliefs as sought in the present writ petition. In furtherance of the response/ reply filed on behalf of the respondents, which is on record, he opposes grant of the reliefs by this Court primarily on the ground that the son of the petitioner Mr. Shiv Punj is already out of the Country since long, moreover, as his whereabouts are untraceable. Furthermore, he also objects to suspension of the LOC issued against the petitioner on the ground that the petitioner is involved in the diversion of funds running into crores of Rupees.

11. In rejoinder, learned senior counsel for the petitioner refutes the contention made by learned counsel for the respondents and submits that the son of the petitioner had left this country way back in 2019, even prior to the grant of the similar reliefs by this Court.

12. Heard the learned counsel (senior) for the parties as also perused the documents on record.

13. A perusal of the records, especially the Medical Report dated 17.06.2025 issued by the Max Healthcare, reveals that the petitioner has sought suspension of the LOC to travel abroad for a limited purpose and/or period, only after he has been detected to have increased "S.PSA" and as "PET-CT" has been performed upon him "DISEASES STATE EVALUATION". Not only that, as per the said Medical Report dated 17.06.2025, the petitioner has also been diagnosed with further



complications in his right kidney and prostate gland as well.

14. Moreover, it is an admitted position that despite the son of the petitioner being out of the Country, the petitioner has been accorded visitation rights even before by this Court. The same has to be taken into consideration, in view of the orders dated 07.01.2025, 31.01.2025 and lastly recently on 16.05.2025 passed by this Court, relevant observations thereof have already been reproduced hereinabove.

15. Thus, taking a holistic view of the factual matrix involved as also the prevailing circumstances, particularly, since the permission sought by the petitioner is owing to his deteriorating medical condition for which he requires treatment from abroad, this Court is inclined to allow the petitioner to travel abroad subject to fulfilling certain conditions.

16. Further, it is relevant to note that there is no dispute raised by learned counsel for the respondents qua the petitioner having dutifully complied with the terms and conditions as imposed by this Court *vide* order dated 16.05.2025.

17. Accordingly, the LOC issued against the petitioner by the respondents is suspended and the petitioner is allowed to travel to Lisbon (Portugal) and Spain *via* Dubai, UAE between 25.08.2025 to 16.09.2025, *albeit*, subject to fulfilling the following conditions:

- a) The petitioner shall not alienate any of his moveable and immoveable properties during the course of his travel abroad;
- b) During the period of travel abroad, the petitioner shall not operate any of the bank accounts held by him in foreign banks.



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c) The petitioner shall deposit, by way of a security, a Fixed Deposit Receipt (FDR) amounting to INR 5 Crores with the Registrar General of this Court, which shall be kept on auto-renewal mode.

d) The petitioner shall deposit the original title deeds of the properties bearing survey nos. 130/14, 130/15, 129/2 and 128/7 Calangute, Bardez Goa (valued at INR 53.89/- Crores), which is in the name of his wife, with the Registrar General of this Court. This security shall be accompanied by an undertaking submitted by the petitioner's wife that she would have no objection in case the afore-noted property is forfeited in the event any of the aforesaid conditions imposed on petitioner are violated. In the undertaking to be submitted before the Registrar, petitioner's wife shall also specifically undertake that she shall not alienate or mortgage the afore-noted property without the permission of the Court, subject to further orders.

e) In terms of order dated 31.01.2025 passed in LPA No.77/2025, such properties and immovable assets, which were acceded to before the SFIO in the course of its investigation as belonging to the petitioner (inter-alia, the aforesaid properties in Calangute, Bardez Goa), shall not be transferred/alienated nor any third party interests shall be created upon them, during the period of the petitioner's travel abroad. The details of the property shall be placed on record, along with the requisite undertaking, before the learned Registrar.



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- f) The petitioner shall not operate any of his bank account/s in foreign banks during the period that he undertakes to travel abroad in terms of the permission granted as above.
- g) The petitioner shall file a detailed affidavit disclosing his complete itinerary, including his stay at various locations abroad as well as telephone numbers and residential/ hotel addresses. He shall also file an undertaking that he shall strictly adhere to the itinerary mentioned in the affidavit and not visit any other stations. He shall also furnish a copy of the air tickets purchased by him before the learned Registrar General.
- h) The petitioner shall file an undertaking before the learned Registrar General that he shall return to the country by 16.09.2025. The petitioner shall intimate the learned Registrar General before leaving as well as within 72 hours of his return from abroad.
- i) The petitioner shall also provide contact numbers where he shall be available during his stay abroad and at least one of the said contact numbers shall be kept operational at all times, subject to all fair exceptions, including the period he is on board the aircraft.
- j) The petitioner shall file a self-attested copy of his passport to the Court, along with a copy of the visa, on his return to India.

18. In view of the aforesaid, though the learned senior counsel for the petitioner claims that the documents previously deposited in furtherance of the order dated 16.05.2025 passed by this Court in W.P.(C) 5141/2025 are already in the possession of the learned Registrar General of this Court, it is deemed appropriate to list before the learned Registrar General/



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nominated Joint Registrar on 22.08.2025 i.e. tomorrow at 11:30 A.M for verification of the aforesaid documents afresh.

19. Accordingly, the present writ petition is allowed and disposed of in the aforesaid terms.

SAURABH BANERJEE, J

AUGUST 21, 2025/Ab