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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: September 28th, 2026***# **CNR No. DLHC010325732026**

+ W.P.(C) 10167/2026 & CM APPL. 47265/2026, CM APPL. 65673/2026

DEEP KUMAR RASTOGI

.....Petitioner

Through: Mr. Siddharth Aggarwal, Mr. Madhav Khurana, Senior Advocates with Ms. Stuti Gujral, Ms. Priti Verma, Ms. Vidushi Sabarwal, Mr. Miran Ahmad, Mr. Hrishabh Iyer, Ms. Shaurya Singh, Mr. Vipin Kumar, Mr. Sidhant Sarawat and Ms. Mugdha, Advocates.

versus

DIRECTORATE OF ENFORCEMENT
& ANR.

.....Respondents

Through: Mr. Rahul Tyagi, Standing Counsel for ED with Ms. Priya Rai, Mr. Rahul Khanna, Mr. Birendra Singh, Mr. Vinay Kumar, Mr. Priyansh Raj Singh, Advocates.
Mr. Nishant Gautam, CGSC with Mr. Vanshul Pali, GP, Ms. Nidhi Adarsh, Advocate for R2.

CNR No. DLHC010420812026

+ W.P.(C) 12988/2026 & CM APPL. 60334/2026, CM APPL. 60335/2026, CM APPL. 60336/2026, CM APPL. 60337/2026

GAGAN DEEP RASTOGI

.....Petitioner

Through: Mr. Siddharth Aggarwal, Mr. Madhav Khurana, Senior Advocates with Ms. Stuti Gujral, Ms. Priti Verma, Ms.



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Vidushi Sabarwal, Mr. Miran Ahmad, Mr. Hrishabh Iyer, Ms. Shaurya Singh, Mr. Vipin Kumar, Mr. Sidhant Sarawat and Ms. Mugdha, Advocates.

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Mr. Nishant Gautam, CGSC with Mr. Vanshul Pali, GP, Ms. Nidhi Adarsh, Advocate for R2.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. By way of the present petitions, the petitioners pray for the following reliefs:

*“A. Issue an appropriate writ, order or direction in the nature of mandamus, thereby directing Respondent No. 2 to disclose and produce the purported Look Out Circular(s) issued and operating against the Petitioner before this Hon'ble Court; and
B. Issue an appropriate writ, order or direction in the nature of certiorari, thereby directing the Respondents to recall, rescind and cancel the purported Look Out Circular(s) (not served on the Petitioner till date) and/or not to give any effect or further effect to the same;
C. Pass any other such Order(s) as may be deemed necessary in the interest of justice.”*

Brief Facts in W.P.(C) 10167/2026

2. On 15.01.2018, the Petitioner was summoned by the learned



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Special Judge, Dwarka Courts, in proceedings arising out of a complaint dated 26.07.2017 filed by the Serious Fraud Investigation Office (SFIO) under the Companies Act, 1956. The petitioner appeared before the learned Special Judge on 22.03.2018 and was enlarged on bail. Subsequently, *vide* order dated 31.10.2019, he was permanently exempted from personal appearance. The said proceedings remain pending at the stage of service/process upon other accused.

3. On the basis of the aforesaid complaint, investigation was started by Respondent No.1 for the alleged offence under Prevention of Money Laundering Act ('PMLA'). The Petitioner was summoned and he appeared before Respondent No.1 on 13.02.2020.

4. Thereafter, the Petitioner was again summoned on 12.12.2025 to appear on 30.12.2025. He thereafter, again appeared before Respondent No.1 on 15.01.2026. No further notice, summons or request for information was issued thereafter.

5. On 07.03.2026, while the petitioner was attempting to travel to Singapore, he was informed by the authorities that he could not get clearance since a Look Out Circular ('LOC') had been issued against him at the behest of Respondent No.1.

6. The petitioner thereafter sent emails dated 05.04.2026 and 21.06.2026 to reconsider the Look Out Circular issued against him, however Respondent No.1 did not reply to the petitioner's requests.

7. Aggrieved thereby, the petitioner filed the present petition.

Brief facts in W.P.(C) 12988/2026

8. Briefly stated, the Petitioner is a resident of Singapore, where



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he resides with his wife and children and is engaged in employment/business for gain.

9. On 15.01.2018, the Petitioner was summoned by the learned Special Judge (Companies Act), Dwarka Courts in proceedings arising out of a complaint dated 26.07.2017 filed by the SFIO under the Companies Act, 1956. The petitioner appeared before the learned Special Judge on 22.03.2018 and was enlarged on bail *vide* order dated 16.05.2018 subject to condition *inter alia* that he shall not leave the country without prior permission of the learned Special Court. Thereafter, *vide* order dated 04.02.2019, the bail condition that the petitioner shall not leave the country without the permission of the learned Special Court was dispensed with, while directing the petitioner to remain present on each date of the matter. The petitioner was thereafter, exempted from person appearance *vide* order dated 31.10.2019.

10. On the basis of the aforesaid complaint, investigation was started by Respondent No.1 for the alleged offence under PMLA. The Petitioner appeared before Respondent No.1 pursuant to summons issued in January 2020 and duly cooperated with the investigation.

11. Thereafter, the Petitioner was again summoned on 12.12.2025 to appear on 29.12.2025. The Petitioner duly appeared and thereafter again appeared before Respondent No.1 on 13.01.2026, when his statement was recorded and the requisite documents were submitted. No further notice, summons or request for information was issued thereafter.

12. The Petitioner, who ordinarily resides in Singapore and travels



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frequently between Singapore and India, apprehends that a Look Out Circular has been issued against him at the instance of Respondent No.1. The apprehension arose after the Petitioner's father (petitioner in W.P.(C) 10167/2026), who is also an accused in the same proceedings, was stopped at the airport and informed of an LOC issued against him.

13. The Petitioner thereafter, requested Respondent No.1, *vide* email dated 21.06.2026, to withdraw the LOCs, however, no response was received from Respondent No.1.

14. Aggrieved thereby, the present petition has been filed.

Submissions of the parties

15. The learned senior counsel appearing for the petitioners submits that the issuance and continuance of the LOCs against the petitioners is arbitrary, having been issued in a casual and mechanical manner without due application of mind.

16. He submits that the petitioners have extended full and unconditional cooperation to Respondent No.1 throughout the course of the investigation and have duly appeared pursuant to the summons issued to them, recorded their statements and furnished the documents and information sought.

17. He submits that the petitioners have no intention of evading the process of law. He submits that the Petitioner in W.P.(C) 10167/2026 is a senior citizen aged about 77 years and is suffering from liver cancer since 2022, requiring continuing medical evaluation, consultation and treatment in Singapore. He submits that the continued operation of the LOC, therefore, causes further serious



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hardship to the petitioner in accessing the medical treatment required by him.

18. He submits that the Petitioner in W.P.(C) 12988/2026 ordinarily resides in Singapore with his wife and children and is engaged in employment/business there, has travelled between India and Singapore on numerous occasions and has consistently remained available to the investigating agency as and when required. He submits that the learned Special Judge, *vide* order dated 04.02.2019, had also permitted the Petitioner to travel abroad without prior permission, which further demonstrates the absence of any flight risk.

19. *Per Contra*, the learned counsel for Respondent No.1 vehemently opposes the present petition. He submits that the instant ECIR under the PMLA was initiated on the basis of a complaint filed by the SFIO before the learned Special Judge, Dwarka Courts. He submits that the LOC was issued against the petitioner in connection with the ongoing investigation under the PMLA, having regard to the facts and circumstances prevailing at the relevant time.

20. He submits that, though it is an admitted position that the petitioner appeared before Respondent No.1 pursuant to the summons issued to him, his statements were recorded and he furnished the documents and information sought from him, such cooperation does not, by itself, create an indefeasible right to revocation of the LOC.

21. He submits that the investigation against the petitioner is still underway, his role is yet to be conclusively determined and his presence may be required for the purposes of further investigation.

Analysis



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22. I have heard the arguments and perused the record.
23. At the outset, it is pertinent to note that the investigation by Respondent No.1 against the petitioners has remained pending for a period of more than six years. The petitioners were first summoned by Respondent No.1 in January 2020, pursuant to which they appeared before Respondent No.1, had their statements recorded and furnished the documents and information sought from them. Thereafter, no further communication was addressed to either of the petitioners for almost six years.
24. The petitioner in W.P.(C) 10167/2026, who is an Indian resident, travelled abroad on several occasions during the aforesaid period and duly returned to India. He is about 77 years of age and has been suffering from cancer of the liver since 2022, for which he seeks to travel to Singapore for medical consultation and evaluation.
25. The petitioner in W.P.(C)12988/2026, who is ordinarily resident in Singapore, also travelled between Singapore and India on numerous occasions during the pendency of the investigation and after the issuance of summons by Respondent No.1. He repeatedly remained available in India whenever required by the investigating agency or the learned Special Court. There is no material placed before this Court to show that his travel resulted in his evading the investigation or obstructing the proceedings in any manner.
26. After a gap of almost six years, Respondent No.1 issued fresh summons to the petitioners in December 2025. Both petitioners duly appeared in person and once again extended their cooperation to the investigation by furnishing the documents and information sought



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from them and having their statements recorded. Thereafter, no further summons, notice or request for any document, information or clarification has been issued to either of the petitioners.

27. An LOC is a coercive measure and cannot be resorted to as a matter of routine merely because an investigation is pending. Its issuance and continued operation must be justified by circumstances warranting such restraint upon the right to travel. In the present case, apart from the pendency of the investigation, no material has been placed before this Court to demonstrate that either of the petitioners has evaded the investigation, failed to comply with any summons or direction issued by Respondent No.1, or attempted to abscond. On the contrary, the conduct of the petitioners over the course of the investigation demonstrates their cooperation with the investigation.

28. The Court is conscious that the investigation under the PMLA is stated to be continuing and that the role of the petitioners is yet to be conclusively determined. However, the mere fact that an investigation remains pending cannot, in itself, furnish an enduring basis for restricting the petitioner's right to travel, particularly where the petitioner has consistently appeared before the investigating agency.

29. In the present case, there is no material to indicate that the previous foreign travel of either petitioner resulted in any hindrance to the investigation or that either petitioner failed to make himself available when required. On the contrary, both petitioners have consistently complied with the summons and directions issued by Respondent No.1. These circumstances do not support an



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apprehension that permitting the petitioners to travel abroad would result in their evading the investigation.

30. It is also peculiar to note that investigation for alleged offences under PMLA stemmed from complaint filed by SFIO before the Trial Court. No impediment has been imposed by the Trial Court on the petitioners travel and, therefore, petitioners cannot be said to be a flight risk. They have also concededly cooperated with the investigation as and when required. The investigation is also stated to be pending for almost six years.

31. In the peculiar facts and circumstances of the present case, this Court is of the view that the continued operation of the LOCs against the petitioners is unwarranted. The LOCs, therefore, cannot be permitted to operate indefinitely in the absence of circumstances which justify such coercive restraint.

32. Accordingly, the LOCs issued against the petitioners at the instance of Respondent No.1 are quashed. However, considering the pendency of investigation against the petitioners, this Court considers it apposite to impose the following conditions upon the petitioners:

- 1) The petitioner in W.P.(C) 10167/2026, who is an Indian national and resident, shall inform Respondent No.1 of his complete itinerary of travel before leaving the country, including, the flight details, duration of visit, places intended to be visited, address of his stay abroad and working telephone contact number while abroad. The Petitioner shall inform Respondent No.1 of his return within 72 hours after returning.
- 2) The petitioner in W.P.(C) 12988/2026, who is a permanent



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resident of Singapore, shall inform Respondent No.1 of his complete itinerary of travel before entering the country, including, the flight details, duration of visit, places intended to be visited, address of his stay and a working telephone contact number while in India. He shall inform Respondent No.1 of his plan to leave India 72 hours before such departure and provide the latest address/permanent address of his stay in Singapore.

- 3) The petitioners shall provide Respondent No.1 with a valid email ids upon which the summons or any other communication can be sent to them and the same shall be deemed to be a valid service upon them. The petitioner shall not close/delete the email account so given.
- 4) The petitioners shall co-operate fully with the investigation and shall join the same as and when required by Respondent No.1.
33. The present petitions are allowed in the aforesaid terms.
34. Pending applications also stand disposed of.
35. The date already fixed in the matters stands cancelled.
36. A copy of the order be placed in the connected matter.

AMIT MAHAJAN, J

SEPTEMBER 28, 2026

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