



\$~54

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

+ **W.P.(CRL) 2199/2021**

**P.S. GAHLAUT**

..... Petitioner

Through: Mr. Sudhir Nandrajog, Sr. Adv. with  
Mr. Alok Kumar, Ms. Deepti  
Bhardwaj, Mr. Kunal Arora,  
Mr. Manan Takkar, Ms. Raghwi  
Rawat, Mr. Ayush Singhal, Advs.

versus

**UNION OF INDIA & ORS.**

..... Respondent

Through: Mr. Ripu Daman Bhardwaj, CGSC  
for R1  
Mr. D.P. Singh, SPP with Ms. Manu  
Mishra, Ms. Shreya Dutt, Advs. for  
R2  
Mr. Zoheb Hossain, Spl. counsel for  
ED, Mr. Vivek Gurnani  
Mr. Baibhav, Mr. Hasnain Khawja,  
Ms. Shilpa Goel, Advs. for R3

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

% **28.08.2023**

**CRL.M.A. 18280/2023, CRL.M.A. 18278/2023 & CRL.M.A. 18395/2023**  
**(seeking release of surety and return of bank demand draft)**

1. These are applications for return of the original Bank Demand Drafts  
(i) bearing no. 452093 dated 04.05.2023 for an amount of Rs. 50 Lakhs



issued by the State Bank of India, East Patel Nagar Branch, New Delhi; (ii) bearing No. 006616 dated 04.05.2023 for an amount of Rs. 50,00,000/- issued by the HDFC Bank, Kamal Cinema Branch, New Delhi; and (iii) bearing No. 452094 dated 04.05.2023 for an amount of INR. 50,00,000/-, State Bank of India, East Patel Nagar Branch, New Delhi on the ground that the validity of the said DDs has expired on 04.8.2023. The aforesaid bank drafts were furnished as a security in terms of the order dated 04.05.2023.

2. Notice was issued in the aforesaid application on 17.07.2023. The abovementioned counsels accepts notice on behalf of the respondents. They submit that the respondents have no objection in case the aforesaid demand drafts are returned.

3. In view of the above, the application is allowed and it is directed that the original bank demand drafts detailed in para 1 above, deposited with this court, be released to the petitioner through the counsel.

4. The applications stand disposed of.

**CRL.M.A. 21263/2023 (seeking suspension of look out circular and blue notice)**

5. The present petition has been filed by the petitioner seeking suspension of Look Out Circular issued by respondent nos. 2 to 4 and further praying that the petitioner be allowed to travel to Amman, Eshidiya and Aqaba (Jordan) from 01.09.2023 - 07.09.2023 and Bangkok (Thailand) from 09.10.2023 to 12.10.2023.

6. The premise on which the permission to travel has been sought by the petitioner is that he has to attend the following official meetings in his capacity as the Managing Director of Indian Potash Ltd. ("IPL"), a Company



incorporated under the Companies Act, 1956; as a Member of the Board of Director of Jordan Phosphate Mines Company (JMPC); as a member of Board of Directors M/s Jordon India Fertilizer Company ("JIFCO"), a joint venture company of IFFCO and JPMC:

- (i) Board Meeting of JPMC and other important visits scheduled to take place between 02.09.2023 to 05.09.2023 in various cities of Jordan viz. Eshidiya, Aqaba and Amman;
- (ii) 68th Board Meeting of JIFCO scheduled to be held on 6<sup>th</sup> September, 2023 in JIFCO's Office in Amman.
- (iii) To attend the International Fertilizer Association (IFA) Regional Conference for Asia- Pacific Countries scheduled in Bangkok, Thailand from 09.10.2023 to 12.10.2023.

7. The learned senior counsel for the applicant / petitioner submits that on earlier occasions also, the applicant has been granted permission to travel to Amman, Jordan Riyadh, Prague and Bangkok on 05 previous occasions, vide orders dated 04.03.2022, 16.08.2022, 31.10.2022, 04.05.2023 and 03.07.2023. He further submits that the applicant has been joining investigation as and when required by the investigating agency.

8. The complete itinerary of the applicant for his visits to Jordan and Thailand has been given in paras 9 and 14 of the application which reads as under:-

- a) For travel to Jordan & back to Delhi

Date	From - To	Flight No.
01.09.2023	Delhi – Doha 10.35 Hrs – 12.50	QR 571



	Hrs	
01.09.2023	Doha – Amman 13.55 Hrs – 16.50 Hrs	QR 6112
06.09.2023	Amman – Doha 20.30 Hrs – 23.10 Hrs	QR 401
07.09.2023	Doha – Delhi 02.25 Hrs – 08.45 Hrs	QR 570

While in Amman, the Applicant will be staying at The Ritz Carlton, 5th Circle, Al Kindi Street, Amman -11185, Jordan. On 02.09.2023 and 03.09.2023, the Applicant will be staying in Kempinski Hotel at Aqaba, Jordan.

- b) That the proposed itinerary of the Applicant for travel to Bangkok, Thailand & Back to Delhi is as follows:

Date	From - To	Flight No.
09.10.2023	Delhi- Bangkok 08.25 Hrs. – 14.15 Hrs.	UK121
12.10.2023	Bangkok – Delhi 15.15Hrs. – 17.55 Hrs.	UK122

While in Bangkok, the Applicant will be staying at Mandarin Oriental, Bangkok.

9. The learned counsel appearing on behalf of the respondent / ED and respondent/CBI have stated that they have filed replies to the said application.



10. The learned counsel appearing on behalf of the respondents have raised objection to present application in terms of their reply and expressed apprehension as regard the genuineness of the purpose of applicant's visits to the aforesaid countries.

11. To address the apprehension of the respondents, the learned senior counsel for the applicant / petitioners invites attention of the court to Annexure A-3 "Colly", Annexure A-6 "Colly" which are the invitation letters / notices addressed to the applicant / petitioner to attend the aforementioned meetings on the dates given above.

12. To be noted, similar objections were raised by the learned counsel for the respondents on earlier occasions when the applicant sought permission to visit Amman (Jordan) and Riyadh (Saudi Arabia), Bangkok (Thailand) and Prague but still this Court granted permission to the applicant to travel abroad in identical circumstances and suspended the LOC. Needless to say that previous orders of this Court granting permission to the petitioner have not been challenged by the respondents.

13. In view of the above and regard being had to the fact that the applicant was permitted to travel abroad on earlier occasions, he is permitted to travel to Amman (Jordan) and Bangkok (Thailand) as per the itinerary mentioned in para 8 hereinabove subject to the following conditions:

- a) That the petitioner shall furnish a fixed deposit of Rs. 50 Lakhs with two sureties in the like amount, one of which shall be by IPL;
- b) The petitioner shall not visit any destination other than Amman, Eshidiya and Aqaba (Jordan) from 01.09.2023 to 07.09.2023; and Bangkok (Thailand) from 09.10.2023 to 12.10.2023;



- c) The petitioner shall take return flights to India as per itinerary mentioned in para 8 above and provide the details of his departure/arrival to the concerned officials of respondent Nos.2 and 3 in advance;
- d) On his return to India, the petitioner shall file his affidavit stating the outcome and achievements of his visit before this Court as well as before the Department of Fertilizers;
- e) The petitioner shall furnish his mobile number at the time of furnishing of surety, which he undertakes to keep operational at all times during the period of his visits;
- f) Upon his return to India, the petitioner shall furnish copy of his passport to the concerned officials of respondent Nos.2 and 3, in pursuance of his undertaking to not travel to any place other than those mentioned in para 13 (b) above.

14. The learned senior counsel appearing on behalf of applicant / petitioner submits that on a previous occasion when the applicant / petitioner had travelled to Jordan his passport was seized by the authorities at Jordan on the ground that there is a blue corner notice issued against him. He urges this court to issue appropriate directions so that the blue corner notice does not come in the way of petitioner's visits to the aforesaid countries.

15. Accordingly, the National Central Bureau (NCB) is directed to convey to the concerned Interpol Authorities of the aforesaid two countries with regard to the permission having been granted by this court to the petitioner to travel to the said countries, to ensure that the visit of the



petitioner to the said countries on the dates specified hereinabove, is not obstructed by blue notice, if any issued.

16. The respondents (CBI / ED) are directed to communicate this order to the National Central Bureau (NCB). The applicant / petitioner is also at liberty to communicate this order to the NCB.

17. List the matter before the Joint Registrar for verification on 29.08.2023 at 02.30 PM.

18. The application stands disposed of.

19. Order *dasti* under the signatures of the Court Master.

**W.P.(CRL) 2199/2021**

20. List on 18.12.2023.

**VIKAS MAHAJAN, J**

**AUGUST 28, 2023**

**N.S. ASWAL**