

# Dr Kanwar Deep Singh vs Directorate Of Enforcement on 12 April, 2023

**Author: Dinesh Kumar Sharma**

**Bench: Dinesh Kumar Sharma**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 6638/2022

DR KANWAR DEEP SINGH

Through:

Mr. Vikram Chaudhari, S  
with Mr. Rishi Sehgal,  
Swami and Mr. Arveen Se  
Advocates

versus

DIRECTORATE OF ENFORCEMENT

Through:

Mr. Zoheb Hussain, Spl.  
with Mr. Vivek Gurnani,  
Saraiya and Mr. Kartik  
Advocates

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% 12.04.2023 Exemption allowed subject to just exceptions.

1. Learned counsel for the petitioner submits that pursuant to the surgery which he had undergone in compliance to the order of this court dated 24.05.2022 at Medanta Hospital, certain complications have arisen. Learned counsel submits that in view of those complications he has taken a second opinion from Dr. Senthil Nathan, Cleveland Clinic, London.

2. Learned counsel submits that therefore he may be permitted to travel to U.K. for the post operative treatment/care.

3. Learned counsel for respondent has vehemently opposed this and submits that vide order dated 24.05.2022 this court has already rejected the request of the petitioner and found him at flight risk. The order dated 24.05.2022 was challenged before the Hon'ble Supreme Court in SLP Crl. No. 7888/2023.

4. Sh. Zoheb Hossain, learned special counsel for ED submits that the apex court did not grant any relief and directed this court to prepone the hearing to a convenient date so that in the event of the High Court finding favour with the petitioner a treatment can be expedited.

5. Learned counsel for respondent has also invited the attention of this court to the opinion of Dr. Amlesh Seth, Senior Professor and Head of Department of Urology from AIIMS which reads as under:

"Respected Sir, Thank you for referring this case. We have reviewed the documents and reports attached. In this regards following is our opinion.

1. Yes, sufficient treatment and surgery facilities of Prostate Cancer are available in India.

2. The Standard treatment for Prostate cancer is similar in India and USA.

3. Surgery for Prostate Cancer can not be done without removal of organ. However, if a patient with Prostate Cancer doesn't want surgery, he can be treated with medical and radiation treatment. Such treatment is available in India."

6. Learned senior counsel for the petitioner submits that it is the right of the petitioner to get adequate and effective treatment and he cannot be denied treatment only because the treatment is available in India.

7. Learned senior counsel for ED has submitted that this right of the petitioner is subject to the right of the prosecution agency also to ensure that he attends the trial and does not flee away. Without going into the rival contentions of the parties, as per learned senior counsel for the petitioner, since the petitioner is based in Chandigarh, MS/Director, PGI Chandigarh is directed to constitute a board of the expert doctors to examine the petitioner and submit his report on the following points:

- (1) The present condition of the petitioner.
- (2) Whether the treatment which is available in London

available in this country and any other expert opinion being observed by the board.

8. ED is directed to depute a responsible officer not below the rank of Deputy Director to co-ordinate with the MS/Director, PGI, Chandigarh. MS/Director, PGI Chandigarh is directed to constitute the board and examine the petitioner within seven days in view of the directions of the Hon'ble Supreme Court vide order dated 03.03.2023.

9. MS/Director, PGI Chandigarh is directed to give the report to both the parties. However, ED is directed to collect the report from the MS/Director, PGI Chandigarh and submit before this court.

10. List on 27.04.2023.

DINESH KUMAR SHARMA, J APRIL 12, 2023/AR