

Surender Kumar Bansal & Anr vs Union Of India & Ors on 8 October, 2021

Author: Rekha Palli

Bench: Rekha Palli

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 11367/2021 & CM APPL. 35015/2021

SURENDER KUMAR BANSAL & ANR.

..... Petitioners

Through Mr. Dayan Krishnan, Sr. Adv. with
Mr. Lalit Gupta and Mr. Siddharth
Arora, Advs.

versus

UNION OF INDIA & ORS.

Through

.....
Ms. Bharathi Raju, CGS

Mr. Vinony Mathur, Adv

Mr. S. K. Sharma, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% 08.10.2021

1. This is an application filed by petitioners seeking suspension of impugned LOC for a period of 8 weeks during the pendency of the petition to enable the petitioners to travel to United Kingdom in order to accompany their daughter who has secured admission in University of Bath, United Kingdom for pursuing Master's in International Management.

2. On 05.10.2021, this Court, while issuing notice and noting the urgency involved in the present petition as the petitioners' proposed departure date to United Kingdom was 09.10.2021, had granted time to respondents to obtain instructions in this regard.

3. Today, Mr. Sharma, learned counsel appearing on behalf of respondent no.4/bank, at whose request the impugned LOC has been issued, while praying for further time to file a reply, opposes the application by contending that since huge amounts are yet to be recovered from the petitioners, the respondents apprehend that in case the petitioners are permitted to go abroad, there is a chance of them absconding and not returning back to the country. He, therefore, prays that the application be rejected.

4. I have considered the submissions of the parties and find that the basis for issuance of LOC against the petitioners is the bank account of M/s. S. S. K. Traders, of which they are Directors, being declared NPA in June 2014. It also emerges that despite registration of an FIR against the

petitioners on 12.04.2018, as on date, there is no charge sheet against them pending before the learned Trial Court. Even though learned counsel for the respondent no.3/ CBI submits that a chargesheet was filed against the petitioners in December 2020, the same was admittedly returned with certain objections and has since, not been re-filed till date. It is also evident that by way of the present application, the petitioners are seeking to travel to United Kingdom only to ensure that their daughter, who has already secured admission at University of Bath for undergoing her master's degree in International Management, is able to settle down in her new surroundings in these difficult times when the entire world is reeling under the effect of the COVID-19 pandemic. I am, therefore, inclined to grant permission to the petitioners to go to UK for a period of two weeks, subject to the following conditions:-

(i) The petitioners will jointly furnish a security of Rs.5 Crores to the satisfaction of the Registrar General of this Court. The said security may be furnished in the form of an FDR; a Bank guarantee; or unencumbered immovable property of the same value belonging to the petitioners, or to any of their close relative, who will also furnish an undertaking before the Registrar General.

(ii) The petitioners will also disclose the complete itinerary alongwith their address of stay during their visit to UK.

(iii) The petitioners will also give one mobile number each, which would be used during their stay abroad and the number(s) will be kept operational at all times.

(iv) The petitioners will not interact with any witness or hamper the investigation in any manner during the visit. They shall also not create any third-party interests in any of the assets that they own in India or abroad during this period.

(v) The petitioners will return back to the country immediately after two weeks from the date of their departure.

5. The application is, accordingly, disposed of in the aforesaid terms. W.P.(C) 11367/2021

6. The respondents pray for, and are granted, four weeks' time to file counter affidavits. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

7. List the petition for disposal on 13.01.2022.

REKHA PALLI, J OCTOBER 8, 2021/ms