

# Rajiv Jain vs Union Of India And Ors on 11 April, 2022

**Author: Yashwant Varma**

**Bench: Yashwant Varma**

\$~1

\*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI  
W.P.(C) 3486/2022 & CM APPL. 10295/2022  
RAJIV JAIN

Through: Ms. Malvika Trivedi, Sr  
with Mr. Rinku Garg, Mr  
Hooda, Mr. Akshya Bajpa  
Archit Jain, Advocates

versus

UNION OF INDIA AND ORS. .... Respondent

Through: Mr. Anurag Ahluwalia, CGSC and  
Mr. Danish Faraz Khan, Advocate  
for R-1,2 & 3  
Mr. Santosh Kumar Rout and Mr.  
Abhishek Chakraborty, Advocates  
R-4/PNB  
Mr. Ripu Daman Bhardwaj, SPP fo  
Respondent/CBI

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA  
ORDER

% 11.04.2022 This petition has been preferred questioning the validity of the Look Out Circular which has been issued by the respondent bank and stands numbered as Look-Out-Circular (LoC), being LOC-2019429371 Org.-Nil dated 01.11.2019 (or any other LoC) issued by respondent no. 1 and 2 at the request of respondent no. 4 against the petitioner. The said Circular appears to have been issued on the request of the respondent financial institution who alleged that huge sums of money have been siphoned off and loss caused to the respondent public financial institution.

Mr. Ahluwalia, learned counsel has on instructions apprised the Court that the following LOCs have been issued against the petitioner here at the behest of financial institutions and other investigating agencies:-

"(i) Issued at the behest of Head of Branch, CBI, BSFB, CGO Complex, DF-Block, Salt Lake city, Kolkata-64, vide ref no.

814/RCBSK2012E0004 dated 25.02.2019, with the action "Prevent subject from leaving India and inform originator." LOC was issued against the petitioner on the basis of the FIR no. RC 2E 14 dated 31.03.2014 u/s 120B, 420, 467, 468, 471 IPC.

(ii) Issued at the behest of Superintendent of Police-1, CBI, BSFB, CGO Complex, Lodhi Road, New Delhi-03 vide ref no. 3458/RC BD1/2017/E/006 of BS & FB/Delhi dated 17.05.2019 with action "Detain and Handover Intercepted Person to Local Police and Inform Originator." LOC was issued against the petitioner on the basis of the FIR no. RC BD1 2017 E0006 CBI BS & FC New Delhi dated 09.06.2017 u/s 120B, 420, 467, 468, 471 IPC.

(iii) Issued at the behest of MD & CEO, Punjab National Bank, Head Office, Dwarka, Sector-10, New Delhi, vide ref no. Nil dated 01.11.2019, with the action "Prevent subject from leaving India and inform originator." LOC was issued under Para 8 (j) of the then OM dated 27.10.2010 as amended on 05.12.2007 under which in exceptional cases request for issuance of LOCs, which are not covered by the guidelines, can be made.

(iv) Issued at the behest of Superintendent of Police, CBI, BSFB, CGO Complex, Lodhi Road, New Delhi vide ref no. E0001/BS&FC/NEW DELHI/4199 dated 23/05/2014, with action "Detain and Handover Intercepted Person to Local Police and Inform Originator". The LOC was issued on the basis of the FIR RC BD 1 2014E0001 & 01.01.2014, u/s 120B R/w Sec 420 IPC.

(v) Issued at the behest of MD & CEO, Bank of Baroda, C-26, G-Block, Bandra Kurla Complex, Bandra East, Mumbai, vide BCC/LEG/111/1233 dated 09.12.2019 with action "Prevent subject from leaving India and Inform originator." The LOC was issued on the request of the LOC originator as the LOC subject was declared a wilful defaulter in an NPA with outstanding dues of Rs 61.55 Crores and LOC opened to prevent the economic offender from fleeing the country.

(vi) Issued at the behest of MD & CEO, Indian Bank, Corporate office, 254-260, Avvai Shanmugam Salai, Royapettah, Chennai, TamilNadu, vide HO/RECOVERY/FA/558/2021-22 dated 07.12.2021 with action "Prevent subject from leaving India and inform originator." The LOC was issued on the basis of CBI FIR No. RCBSK 2014 E0002 dated 31.03.2014 u/s 120B r/w 420, 468, 471 IPC r/w Section 13(2) r/w 13(1)(d) of the PC Act."

Ms. Trivedi, learned senior counsel appearing in support of the petition, draws the attention of the Court to the orders passed by the CBI Court on 31 January 2022 as well as the order of 16 February 2022 to point out that the courts below have accorded permission to the petitioner to travel. The permission to travel notwithstanding the existence of the impugned LOC is addressed in the background of the impending marriage of the daughter of the petitioner to be held in the UAE. Ms. Trivedi further states that all the mortgaged properties have already been taken possession of by the respondents and that the petitioner cannot be said to be a flight risk. Learned senior counsel further stated that the petitioner is further willing to place as security the title documents relating to another immovable property and comply with such further conditions that this Court may choose to impose.

Bearing in mind the nature of disclosures which stand made, the ends of justice would warrant the petitioner being accorded the right to travel to UAE pending final disposal of the writ petition.

Accordingly, the petitioner shall be permitted to travel to UAE as per the details set forth in the application between 15 April 2022 to 15 July 2022 subject to the following conditions: -

a) The petitioner shall file an undertaking in the form of an affidavit with the respondent No.2 as well as with the Registrar General of this Court undertaking therein that he shall not dispose of any of the immovable properties seized by the respondent No.2 and lying with them during the pendency of the present petition. The copies of the documents which the petitioner will file with the Registrar General, shall also be furnished to all the respondents.

b) The petitioner shall also stand restrained from creating any third party interests in the immovable property furnished as security with the following details:-

Address: D-156, Phase-I, Ashok Vihar, Delhi (125 Sq. Yards) Approx. Value- 2.5 Crore  
Owner- Shobha Jain

c) The original title papers relating to the aforesaid property shall be duly placed before the Court of the Additional Sessions Judge-02 Patiala House Court ceased of Case No. 11/2019 for the purposes of verification. The aforesaid property shall remain to be held by the concerned Court subject to further orders being passed on this writ petition.

d) The petitioner shall also file a requisite undertaking before the Registrar General of this Court that he shall return to the country by 15 July 2022;

e) The petitioner will also furnish to the respondents a copy of the air tickets he has purchased for his travel, along with the complete itinerary of his stay in UAE. The petitioner will also provide a phone number which would be used by him during his stay abroad, which number will be kept operational at all times.

List on 08.08.2022.

YASHWANT VARMA, J.

APRIL 11, 2022 mw