ED Vs. Jagmohan Kejriwal
CT No. 11/2020
CNR No. DLCT11-000286-2020

26.09.2022

This is an application on behalf of (A-16) Mr. Rishab Jhunjhunwala seeking permission to travel abroad for a further period of six months.

Present: Sh. Atul Tripathi, Ld. Special PP for ED/prosecution.

Sh. Madhav Khurana, Ld. Counsel for A-16 along with accused no. 16 Rishabh Jhunjhunwala in person.

1. In reply filed to the application, ED has opposed the same and prayed that the application be dismissed. It is stated by Ld. Special PP for ED that by way of present application, applicant has sought blanket permission to travel abroad. It is further stated that earlier also, applicant used to travel to other countries when the permission was granted only to travel to Singapore by the court.

2. Arguments heard on the above application.

3. It is stated in the application that the applicant is a citizen of India and holds an Indian Passport, however, since the year 2017, he along with his family comprising of his wife, minor son and aged parents resides in Singapore. It is further stated that the applicant is a commodities trader, who is involved in purchase of raw material locally and arranging transportation and shipping for the same.

It is further stated that the applicant is employed in Singapore for gain and holds a Long Term Pass Holder (LTPH), which is granted to a person who is employed in Singapore and resides there. It is further stated that the applicant's wife and son have a dependent visa, which is predicated on the applicant's LTPH. It is further stated that if the applicant's LTPH is revoked owing to his work being affected due to his prolonged presence in India, not only the applicant, but his entire family would have their visas revoked.

In support of his contentions that the applicant is a resident of Singapore, Ld. Counsel for the applicant has filed copies of his family's Long Term Passes, Tenancy Agreement, Electricity, Cas, Water and Telephone bills. It is also stated that the son of the applicant is studying there, who needs his regular guidance and he had travelled to India, i.e. for appearing before ED for recording of statement on various dates, as mentioned in para 7 of the application.

It is further stated that this Court earlier also vide orders dated 22.12.2021 & 23.12.2021 had allowed the applicant to travel abroad for a duration of three months from 23.12.2021 to 23.03.2022 and further vide order dated 30.03.2022, applicant was allowed to travel abroad from 31.03.202 to 15.07.2022. It is further stated that applicant was also allowed to travel abroad to Singapore from 22.07.2022 to 22.09.2022 and Paris from 24.07.2022 to 06.08.2022. It is further stated that applicant had duly complied with all the conditions imposed by this Court and never violated any of the said conditions.

It is further stated that in terms of the above order dated 22.12.2021, he had deposited an FDR of Rs. 35,00,000/- (Rs. Thirty Five Lakhs) with one surety bond of Rs. 20,00,000/- (Rs. Twenty Lakhs), which is on the record. It is further stated that there is no likelihood of the applicant fleeing, as he has already submitted himself to the jurisdiction of this Court. It is further stated that the documents relied upon by the ED are already on the judicial record and there is no possibility of the applicant to temper with the evidence or influence the witnesses, therefore, permission be granted to the applicant to travel abroad to Singapore for a period of further six months on such terms and conditions, as this Court may deem fit.

4 I have heard the rival contentions of Ld. PP for ED and Ld. Counsel for the applicant/accused and also gone through the records.

5 It is not disputed that the accused works for gain at Singapore and is residing there along with his family and his son is also studying there and is a Long Term Pass Holder. Since the investigations in this case are already complete, the substantial evidence is of documentary nature and accused is also stated to have cooperated during the investigations, as mentioned in his application, therefore, there are no chances of tempering with the evidence or influencing the witnesses. Further the right to go abroad and work there is a valuable right which cannot be taken away by the investigating agency.

6 Vide earlier order(s) dated 22.12.2021 & 23.12.2021, the accused (A-16) was allowed to travel abroad to Singapore for a period of three months from 23.12.2021 to 22.03.2022 (both days inclusive); vide order dated 30.03.2022 accused (A-16) was allowed to travel abroad from 31.03.2022 to 15.07.2022 and vide orders dated 15.07.2022 and 21.07.2022 applicant/accused was allowed to travel abroad to Singapore from 22.07.2022 to 22.09.2022 and to Paris from 24.07.2022 to 06.08.2022 and after the expiry of the said period, he has returned back to India and there is no complaint that he has violated any terms or conditions of the above order(s). He had also deposited his passport with this Court on 20.09.2022 after his return to India.

7 It is submitted by Ld. Counsel for ED that apart from Singapore, applicant wants to travel to other countries like UAE, Germany, UK, USA etc. and applicant is intending to seek blanket order to travel anywhere, anytime without disclosing itinerary which is against law.

8 It is stated by ld. Counsel for A-16 that his application for travel abroad in view of the objection raised by Ld. Counsel for ED is confined to Singapore only and as and when the applicant will plan to go to other country except Singapore, he will move appropriate application through counsel alongwith itinerary for necessary permission.

9 In view of the abovesaid facts and circumstances, in the interest of justice for doing his job, which he is carrying at Singapore and the fact that accused is a Long Term Pass Holder (LTPH) and it is also mentioned above that his family also resides

with him at Singapore having dependent visa, however, the request of the above accused for permission to travel abroad for a period of six months cannot be granted, as the right of the prosecution to secure the presence of the accused during the inquiry / trial has to be equally balanced with his right to work abroad, consequently, in these peculiar facts and circumstances, in the interest of justice, **applicant / accused Rishabh Jhunjhunwala (A-16) is permitted to travel abroad to Singapore for a period three months w.e.f. 27.09.2022 to 26.12.2022 (both days inclusive)** subject to the following conditions: -

- **Accused shall furnish security in the form of FDR/bank guarantee for a sum of Rs. 35 Lakhs (Thirty Five Lakhs only) in the name of Court i.e. Ld. Principal District & Sessions Judge-cum-Special Judge, CBI, (PC Act), Rouse Avenue District Courts, New Delhi along with one surety bond of Rs. 20 Lakhs (Twenty Lakhs only) to the satisfaction of Court, after compliance of the above condition, his passport be released for the above period so as to enable him to travel abroad to Singapore.**
- **He shall surrender his Passport in court within 24 hours of his arrival in India.**
- **In any eventuality, accused will not request for extension for staying abroad.**
- **He shall neither tamper with the evidence nor try to influence any witness in any manner and will not use the permission granted to him contrary to the rules.**

- **This permission shall be subject to other applicable rules and will not be deemed as directions to any other authority except the permission from the side of the court.**
- **He will submit the address of his stay in Singapore along with telephone/contact numbers and e-mail address/s. He will also file his schedule of travel to Singapore at the time of submitting FDR / bank guarantee / surety bond, as above.**
- **His surety / Ld. Counsel will undertake to accept notice(s), if any, on behalf of the accused in his absence.**
- **He will not create any third party interest in any of his immovable properties situated in India or abroad without permission of the court during this period.**
- **Neither he nor his counsel will object to the carrying of the trial / inquiry during the absence of accused A-16.**
- **In case of any of the above conditions are violated, the bank guarantee/FDR / surety bond amount shall be forfeited to the State.**

The above application is disposed off accordingly.

10 In view of the above, since the next date of hearing in this case is 11.11.2022, the accused No. 16 in these peculiar circumstances stand exempted from his personal appearance through his counsel for the said date.

11 At this stage, it is stated that the FDR / Bank guarantee for Rs. 35 Lakhs and surety bond for Rs. 20 Lakhs, which were earlier furnished by (A-16) vide order dated 23.12.2021 are already

on the record. The previous surety Sh. Pankaj Jain is also present and he wishes to further remain as surety for (A-16).

12 In these circumstances, the travel itinerary furnished by the accused is taken on the record and the FDR / Bank guarantee for Rs. 35 Lakhs and the surety bond for Rs. 20 Lakhs, which are already on the record, are further accepted in terms of the above order.

Put up on the date already fixed i.e. **11.11.2022**.

Copy of this order be given dasti to the applicant/accused, as prayed.

(RAKESH KUMAR - III)
Special Judge (PC Act) (CBI)-02
Rouse Avenue District Court
New Delhi/26.09.2022