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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of decision: 15th April, 2025*

+ **CRL.M.C. 1926/2021**

CENTRAL BUREAU OF INVESTIGATIONPetitioner

Through: Mr. Anupam S. Sharma, SPP for CBI.

versus

SH. DEEPAK PURI & ANR.Respondents

Through: Mr. Vijay Aggarwal, Mr. Rachit Bansal, Mr. Ketan Kumar Roy, Mr. Aditya Choudhary, Mr. Yash Agrawal, Mr. Kartikay Kumar, Ms. Muskan Aggarwal, Ms. Barkha Rastogi and Mr Shekhar Pathak, Advocates

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'CrPC'*) has been filed on behalf of the Petitioner, CBI for setting-aside the impugned Order dated 06.04.2021, *vide* which the learned Special Judge (PC Act), CBI-18, Rouse Avenue District Courts, New Delhi, has dismissed the Application of CBI, for issuance of Look Out Circular (LOC) against the Respondent No. 1- Deepak Puri and Respondent No. 2 – Neeta Puri.

2. The Respondent No. 1- Deepak Puri has died and the proceedings *qua* him stand abated.



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3. It is submitted that RC No. BD1/2019/E/0006, was registered by CBI/BSFB on 17.08.2019 under Section 120B read with Section 420/468/471 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) and Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act, 1988 (*'PC Act' hereinafter*) against *M/s Moser Baer India Ltd.*, Respondent No. 1-Mr. Deepak Puri, Respondent No.2 - Ms. Neeta Puri, Mr. Sanjay Jain, Mr. Vineet Sharma, Mr. Ratul Puri and certain other unknown public servants and private persons. A request for opening of LOC was issued by the CBI against the Respondents, Mr. Deepak Puri and Ms. Neeta Puri, to the Bureau of Immigration on 19.08.2019. The LOC was quashed against Ms. Neeta Puri by learned Special Judge *vide* Order dated 24.01.2020 while against Mr. Deepak Puri, it was quashed *vide* Order dated 18.02.2020.

4. The CBI has challenged the impugned Order on the grounds that the Complaints were received by the consortium Banks whereby quantum of fraud has increased to Rs.354.5 crores. Earlier LOC against the Respondents, had been quashed *vide* Orders dated 18.02.2020 and 24.01.2020. It has been overlooked by the learned CBI Judge that while setting aside the earlier LOC Orders, the liberty was granted to Petitioner/CBI, to take fresh steps if so warranted in law. Therefore, a reference to earlier Orders, was erroneously made by the learned Special Judge, overlooking the fact that there is likelihood of accused leaving the country to evade trial/arrest.

5. Subsequent to OM No. 25016/31/2010-Imm dated 27.10.2010 in which the parameters for issuing the LOC has been defined, was consciously amended by Ministry of Home Affairs *vide* OM No. 25016/10/2017-Imm



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(Pt) dated 05.12.2017, to the extent that in exceptional cases, LOC's could also be issued, as would not be covered by the earlier guidelines, where the departure of a person from India, appears to be detrimental to the economic interests of India or the larger public interest at any given point of time. It is submitted that the impugned Order does not make any reference to the amended Guidelines.

6. It is further stated that with the rise of businessmen absconding after commission of white-collar crimes, as also increase in some economic crimes having direct repercussions on the financial stability of the country, Union of India, considering the economic interest and the larger public interest of the State, resolved to put certain additional curbs and travel of such white-collar economic offenders. The intention of the Government to treat such offences more seriously can be gathered from the fact that OM No. 25016/31/2010-IMM dated 26.10.2010, was further amended on 05.12.2017 wherein it was mentioned that LOC could be issued even in cases which are not covered by the earlier guidelines, *inter alia*, if the departure of a person from India is detrimental to the economic interest of India or that departure should not be permitted in larger public interest at any point of time.

7. Other OM's dated 19.09.2018 and 12.10.2018, SFIO and banks respectively also empowered CBI to make request for opening of LOC. It is, therefore, submitted that in the present case, the issuance of LOC was in larger public interest or economic interest of the country and thus, the learned Special Judge, erred in dismissal of the Application.

8. It is further asserted that the uncooperative, adamant and arrogant attitude has been adopted by the Respondents towards the Investigating



Agency. Interrogation of the Accused during investigation, in order to unearth the manner in which the crime has been committed and to recover the proceeds of crime, has been effectively defeated by the Respondents, time and again by not co-operating in the investigation.

9. Learned counsel for the Petitioner further submits that since the investigations are still on-going, the impugned Order be set-aside.

10. *Learned counsel on behalf of the Respondents* has submitted that the Charge-Sheet had already been filed on 02.07.2024. Moreover, CBI itself had no objection on 26.11.2024 to grant of Bail to the Respondents. There is no merit in the present Petition and the same is liable to be dismissed.

11. Submissions heard and the record perused.

12. The circumstances in which the Look Out Notice can be opened has been explained in the decision of this Court in *Sumer Singh Salkan v. Asst. Director & Ors.* W.P.(CrI) No. 1315/2008. decided on 11.08.2010. It was observed that recourse to LOC can be taken by Investigating Agency in cognizable offences under IPC or other penal Laws, where the accused was *deliberately evading arrest or not appearing in the trial court* despite NBWs and other coercive measures and there was *likelihood of the accused leaving the country to evade trial/arrest*

13. It is pertinent to observe that the parameters for issuing the LOC have been amended by Ministry of Home Affairs *vide* OM No. 25016/10/2017-Imm (Pt) dated 05.12.2017 to the extent that LOCs can be issued in exceptional cases where the departure of a person from India appears to be detrimental for the economic interests of India or in larger public interest.

14. However, in the present case, an FIR was registered on 17.07.2019 under Sections Section 120B read with Section 420/468/471 of the IPC and



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Section 13(2) read with Section 13(1)(d) of PC Act against *M/s Moser Baer India Private Limited* and its Directors. Respondent No. 2- Neeta Puri is one of the directors of *M/s Moser Baer*. There is no allegation as to the specific role of Respondent No. 2 except engaging in criminal conspiracy with the other Directors and other public servants to cheat Central Bank of India.

15. The grounds for seeking LOC was the adamant and non co-operative attitude of the Respondent No.2 during investigations. However, it is an admitted fact that the Respondent No. 2 has joined the investigation multiple times; no NBWs are issued against her nor the Respondent is evading arrest. Additionally, there is no likelihood of the her evading trial/arrest given her conduct, as she had been allowed to *travel abroad five times* and she has duly returned back to India within the stipulated time period and had complied with all the conditions imposed.

16. Admittedly, the Charge-Sheet stands filed on 02.07.2024 and CBI itself had '*No Objection*' on 26.11.2024 to grant of Bail to the Respondent No. 2- Neeta Puri.

17. Neither of the twin conditions for opening a LOC are satisfied nor have any other exceptional circumstances been shown to justify the LOC.

18. In light of the above discussion, there is no infirmity in the Order of Ld. Judge, CBI quashing the LOC. There is no merit in the present Petition which is hereby dismissed and disposed of accordingly along with pending Application(s).

**(NEENA BANSAL KRISHNA)
JUDGE**

APRIL, 15, 2025/RS