

ITEM NO.301                      Court 4 (Video Conferencing)                      SECTION XVII-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.10856/2016

BHUPINDER SINGH

Appellant(s)

VERSUS

UNITECH LTD.

Respondent(s)

WITH S.L.P.(Cr1) Nos.5978-5979/2017 (II-C)  
(With appln.(s) for IA No.43631/2022 - APPROPRIATE ORDERS/  
DIRECTIONS and IA No.43629/2022 - INTERVENTION/IMPLEADMENT)

Date : 25-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE M.R. SHAH

Mr. Pawanshree Agrawal, AOR (A.C.)

For Appellant(s)

Mr. Deepak Goel, AOR

Mr. Siddhartha Dave, Sr. Adv.

Mr. Vishal Gosain, Adv.

Ms. Ranjeeta Rohatgi, AOR

Mr. Anuroop Chakravarti, Adv.

Ms. Tarannum Cheema, Adv.

Mr. Akash Kumar Singh, Adv.

Ms. Aarushi Singh, Adv.

Ms. Samten Doma, Adv.

Ms. Neeha Nagpal, Adv.

**For Respondent(s)** Ms. Madhavi Divan, ASG  
Mr. M.K. Maroria, AOR  
Ms. Shradha Deshmukh, Adv.  
Ms. Chinmayee Chandra, Adv.  
Mr. Siddhant Kohli, Adv.  
Ms. Nidhi Khanna, Adv.  
Mr. Rajan Kumar Chourasia, Adv.

Ms. Anubha Agrawal, AOR

Mr. A.K. Sharma, AOR

Ms. Jasmine Damkewala, AOR

Mr. Nakul Mohta, Adv.  
Ms. Misha Rohatgi Mohta, AOR  
Mr. Devansh Shrivastava, Adv.  
Mr. Aditya Chadha, Adv.  
Mr. Jhonson Subba, Adv.  
Mr. Gaurav Baheti, Adv.

Mr. Arup Banerjee, AOR

**UPON hearing the counsel the Court made the following  
O R D E R**

**CrIMP No 43631/2022 & CrIMP No 43629/2022 in SLP(Cr) Nos 5978-5979/2017**

- 1 The application for impleadment filed on behalf of Preeti Chandra stands allowed.
- 2 The applicant, Preeti Chandra has moved a criminal miscellaneous petition for permitting her to move the Sessions Court, Patiala House, New Delhi (PMLA Court) to seek bail in ESIR/04/DLZO-II/2018.
- 3 The above enforcement 'Case Information Report' has been registered by the Directorate of Enforcement against Unitech Limited and its Directors on 6 June 2018 on allegations, *inter alia*, of money laundering.

- 4 Mr Siddhartha Dave, senior counsel appearing on behalf of the applicant states that the applicant's maternal grand-mother died on 14 March 2022. The applicant desires to be present for the rites and ceremonies conducted by the family. Mr Dave has stated that the applicant does not press the relief which was initially sought for her travel to Haridwar in connection with the religious ceremonies and that the applicant will remain in Delhi.
- 5 The petition was mentioned for urgent orders on the previous date. We had permitted Ms Madhavi Divan, learned Additional Solicitor General, on her request, to seek instructions and to file an affidavit. An affidavit has been accordingly filed in these proceedings by the Deputy Director, Directorate of Enforcement. Ms Divan submitted that releasing the applicant on interim bail will involve a serious 'flight risk' since the applicant has obtained a Dominican passport and was about to leave India when she was apprehended.
- 6 During the course of the submissions, Mr Siddhartha Dave, senior counsel submitted that in order to allay the apprehension of the Enforcement Directorate that there is a risk of the applicant absconding, the applicant submits that:
  - (i) The applicant acquired citizenship of the Dominican Republic on 11 April 2016;
  - (ii) The applicant travelled on thirty occasions on her Dominican passport;
  - (iii) Between 10 March 2021 and 4 October 2021, when the applicant was arrested, she cooperated in the investigation and though she had travelled abroad, she was available on return for interrogation;
  - (iv) The applicant is ready and willing to surrender her passport; and

(v) The charge-sheet has been filed.

7 Hence, it has been urged that the applicant does not pose any threat and that she may be permitted either to move the trial court or, in the alternative, may be granted interim bail on humanitarian grounds.

8 Responding to the application, Ms Madhavi Divan, Additional Solicitor General submits that:

(i) The applicant has only produced a certificate which has been issued at the place of cremation but no death certificate and when an attempt was made to verify the relationship of the applicant with the deceased at the last known place of residence, no details could emerge;

(ii) The applicant acquired a Dominican passport and there is no extradition treaty between India and the Dominican Republic;

(iii) On 10 March 2021, the applicant was attempting to leave India and was prevented from doing so in view of a 'look-out circular';

(iv) Both the children of the applicant holds US passports;

(v) The applicant has substantial assets abroad and has been an active participant in dealing with the transactions of the Unitech group including:

(a) Operations from UAE of the TriKar group in respect of which investigation is pending; and

(b) Transactions sited in the British Virgin Islands, Mauritius, Singapore and UAE;

- (vi) The application for regular bail of the applicant was dismissed as withdrawn; and
  - (vii) The applicant has actively connived with the jail authorities at Tihar Jail.
- 9 On the above grounds, the Additional Solicitor General has submitted that while she would leave it to the Court to take an appropriate view on the humanitarian aspects involved, it is necessary that the above circumstances are factored in by the Court and that in any event, the applicant should not be permitted to leave Delhi for whatever time period this Court deems fit in the event of the request being acceded to.
- 10 Having heard the rival submissions purely on humanitarian grounds we are inclined to permit the applicant to travel to a designated place within Delhi on one day between 10 am to 3 pm in connection with rites and ceremonies which are being conducted by the family following the death of her grand-mother. However, having regard to the antecedent background, we deem it appropriate to do so subject to strict directions which shall be scrupulously complied with not by the applicant and by the law enforcement agencies. The conditions are spelt out below:
- (i) The applicant shall be allowed to proceed on one day from Tihar jail where she is presently lodged to the designated place where the final rites and ceremonies for her deceased grand-mother are to be conducted between 10 am to 3 pm and shall return back to the Tihar jail on the same day;
  - (ii) The applicant shall in advance furnish to the Investigating Officer the address of the place where she has to proceed for the purpose specified in (i) above;

- (iii) Prior to the departure of the applicant from Tihar Jail, the Dominican passport and all other passports, if any, which are held by the applicant shall be surrendered to the Investigating Officer;
- (iv) The applicant shall be taken to the designated place under police escort consisting of at least one person not below the rank of Inspector. The escorting team shall consist of 4 personnel from the Delhi Police and/or the Enforcement Directorate, as the competent authority may determine;
- (v) During the period of the departure from and return to Tihar jail, the applicant shall not be permitted to use any communication device including a cell phone or the internet. The applicant shall not access any documents or papers of any nature whatsoever;
- (vi) The permission which has been granted above is confined to one day, namely, 26 March 2022 or 5 April 2022 at the option of the applicant which shall be intimated in advance to the Investigating officer;
- (vii) The applicant shall not visit any other place other than the designated place for the purpose for which these directions have been issued; and
- (viii) The expenditure in connection with the police escort shall be deposited in advance by the applicant with the competent authority in the Enforcement Directorate.

11 The above order has been passed solely on humanitarian grounds and shall not create any precedent in any application for any other purpose.

12 The Criminal Miscellaneous Petitions are disposed of in the above terms.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**Court Master**