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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5874/2024**

HENNA ALAGH

..... Petitioner

Through: Ms. Ritika Jhurani and Mr. Dinesh
Sharma, Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Ashish Dixit, CGSC for R-1 and
2 with Mr. Vaibhav Thaledi,
Advocate and Ms. Rashi Mangal, GP.
Mr. Manish Jain, Mr. Sougata
Ganguly and Ms. Snehal Sharda,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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13.05.2024

CM APPL. 25464/2024

1. This application has been filed on behalf of Petitioner seeking permission to travel to Cannes, France from 14.05.2024 to 25.05.2024. The Petitioner is a model by profession.
2. It is stated that the petitioner is married to Mr. Amit Katyal, who is currently being investigated by the Respondent No. 2 under the provisions of the PMLA Act. It is stated that the Petitioner and Mr. Amit Katyal have been separated since September, 2022 and an application for dissolution of marriage is pending before the Principal Judge, Family Court, Patiala House Court. It is further stated that the Petitioner does not hold any position in any



of Mr. Amit Katyal's companies which are currently under investigation by the Respondent No.2.

3. This Court issued notice in the application and reply on behalf of Respondent No.2/ED has been filed. The reply filed by the ED does not show that the Petitioner has been arrayed as an accused in the FIRs and ECIRs and only investigation is being conducted against the Petitioner. It is further stated in the reply that the Petitioner herself has given a statement under Section 17 of the PMLA that her present residential apartment at Provence Estate, Gwal Pahari, Gurugram, has been purchased from the payment source of Mr. Amit Katyal and a sum of Rs.2.25 crores were received into her bank account from group company M/s Heaven Tradelink Pvt. Ltd. which was further transferred by the Petitioner to the account of M/s Jasmine Buildmart Private Limited. It is further stated in the reply that as per the statements given by the Petitioner under Section 17 of the PMLA, the Petitioner herself has admitted that her bank accounts were used by Mr. Amit Katyal for transferring money from one company to another.

4. The investigation is going on and it is yet to be found if the Petitioner was involved in the transactions or was she doing it at the instance of Mr. Amit Katyal. The reply filed by the ED does not indicate that the Petitioner is required for investigation between 14.05.2024 to 25.05.2024. During the course of the hearing it was stated by the learned Counsel for the Petitioner that the Petitioner's father is prepared to give his passport as a security in order to satisfy the conscious of this Court that the Petitioner will return back to the country. Learned Counsel for the Petitioner has also stated that the father of the Petitioner is also prepared to give an undertaking that he will not create any third party rights on his property, bearing Apartment



No.T4-2203, 21st floor, Tower T4, Tata Primanti, Sector 72, Gurugram, which at present is mortgaged with the Kotak Bank, as a condition precedent in order to enable the Petitioner to travel abroad.

5. In view of the fact that Petitioner has not been named in any of the FIRs, this Court is inclined to grant permission to Petitioner to travel to Cannes, France from 14.05.2024 to 25.05.2024 on the following conditions:

- a) The Petitioner is directed to furnish a security for a sum of Rs.25 lakhs in the form of an FDR before the learned Registrar of this Court.
- b) Petitioner's father is directed to give an undertaking that he shall neither dispose off nor create any third party interest in property, bearing Apartment No.T4-2203, 21st floor, Tower T4, Tata Primanti, Sector 72, Gurugram, during the period the Petitioner is travelling outside the country.
- c) Petitioner's father is directed to deposit his Passport with the Registrar of this Court.
- d) That Petitioner shall furnish a detailed affidavit disclosing her detailed itinerary, including his stay at various stations abroad, telephone numbers and residential/hotel addresses. The Petitioner shall also file an undertaking that she shall adhere to the itinerary mentioned in the affidavit and will not visit any other stations. The Petitioner shall also furnish a copy of the air tickets that she has purchased for his travel before the learned Registrar.
- e) The Petitioner shall provide the contact numbers which she will be using during the period he stays abroad, and at least one of the said contact numbers will be kept operational at all times, subject to all fair



exceptions, including the period he is on board the aircraft.

f) That Petitioner shall file a self-attested copy of her Passport along with a copy of her visa in the Court on his return to India.

g) The Petitioner shall intimate this Court within 48 hours of her return to India.

h) The permission to travel abroad given in this order shall be subject to other applicable conditions and will not be deemed as a direction to any other authority.

i) In case any of the above conditions are violated, the security shall be forfeited to the State.

3. The application is disposed of.

4. List before the Registrar General on 14.05.2024.

W.P.(C) 5874/2024

5. List before Court on 03.09.2024.

SUBRAMONIUM PRASAD, J

MAY 13, 2024

Rahul