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

+ **W.P.(CRL) 275/2023**

**SANDEEP SINGH DESWAL**

..... Petitioner

Through: Mr. Rajesh Mahajan, Mr. R. S. Kundu  
and Mr. Ranjeeb Kamal Botra,  
Advocates.

versus

**STATE (GOVT. OF NCT OF DELHI)**

..... Respondent

Through: Mr. Sanjeev Bhandari, ASC for the  
State with Mr. Kunal Mittal, Mr.  
Saurabh Tanwar, Advocate and with  
SI Rajesh Sharma, PS EOW.

**CORAM:**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**ORDER**

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**09.02.2023**

**CRL.M.A. 3465/2023**

1. The present application has been filed by applicant/petitioner for bringing on record the itinerary of the petitioner for his proposed visit to USA.
2. The said itinerary has been taken on record. Accordingly, the application stands disposed of.

**CRL.M.A. 2550/2023**

1. The present application has been filed under Section 482 Cr.P.C. on behalf of the petitioner - Sandeep Singh Deswal seeking suspension of the operation of LOC during the pendency of the present petition, to enable him

to travel to USA along with his wife on 10/11.02.2023 to celebrate their marriage anniversary on 14.02.2023 in USA with their son and brother's daughter and thereafter, they are required to be in USA for about six months for the purpose of proper settlement of their son and to settle the marriage proposal of their brother's daughter.

2. It is submitted by the Ld. Counsel for the petitioner that petitioner seeks suspension of the LOC to travel to USA as he has not met his son for almost four years now and therefore, the petitioner alongwith his wife wishes to celebrate their marriage anniversary with their son in USA and also, want to arrange marriage proposals for their niece. He submits that the petitioner has travelled abroad on ten occasions during pendency of complaint against him and also, after registration of FIR and on all occasions, he has come back and joined as well as cooperated in the investigation as per directions of investigating officer and therefore, there is no possibility of the petitioner not returning to India after his travels to USA. He further submits that the petitioner was on no occasion asked to join investigation by way of issuance of warrants and even after filing of the chargesheet, the petitioner has neither been apprehended in the present case till date nor has been summoned by the Trial Court. Ld. Counsel for the petitioner in support of his application has also placed on record his air tickets and the itinerary for his travel to USA.

3. On the other hand, Ld. ASC for the State has vehemently opposed the present application seeking to suspend the LOC and submits that the ground for travelling by the petitioner does not sound reasonable and there is

strong apprehension that the petitioner would misuse the liberty and may not come back to face the proceedings in relation to the chargesheet which has been already filed.

4. Having considered the submissions of the Ld. Counsel for the parties and perusal of the status report dated 07.02.2023 filed by the State shows that the Air tickets submitted by the petitioner Sandeep Singh Deswal have been verified and found to be booked in his name for the flight and dates mentioned in the tickets i.e., flight no. AI-183 for travel from Delhi to San Francisco on 11.02.2023 and return ticket flight no. AI-174 for travel from San Francisco to Delhi on 17.04.2023.

5. It is trite law that right to travel is a valuable fundamental right and should be curtailed only in exceptional circumstances. In the instant case, it is an admitted position that the main chargesheet has been filed against the petitioner without apprehending him and the Ld. Trial Court has also, summoned only two accused persons while the remaining three accused persons including the petitioner have not been summoned till date. Therefore, in my opinion, the case at hand does not fall within the purview of an exceptional circumstance.

6. The issuance of LOC is a coercive measure aimed at ensuring that an accused appears before the investigating agency and/or a court of law, however, this power has to be used sparingly only in exceptional cases and LOC is not to be issued in a routine manner as it may affect the liberty of an accused. Mere suspicion of accused not returning to India after his travels

when the accused has travelled abroad on numerous occasions and has never misused the liberty granted to travel abroad on earlier occasions, in my view, cannot be accepted as the basis for rejecting the present application.

7. Keeping in view the aforesaid facts and circumstances of the case, I am inclined to suspend the LOC issued against the Petitioner for a short period commencing from 10.02.2023 till 20.04.2023 and consequently, the petitioner is granted permission to travel to USA on 11.02.2023 and return to India on 17.04.2023, subject to the following conditions:-

- i. The petitioner shall furnish the original documents of any of his immovable property to the Trial Court and the same shall continue to remain as security with the Trial Court till his return;
- ii. The petitioner shall provide his mobile number to the Investigating Officer (IO) concerned, which shall be kept in working conditions at all times. The petitioner shall not switch off, or change the same without prior intimation to the IO concerned;
- iii. The petitioner shall furnish his address to the IO, residential/hotel address where he would be residing in USA;
- iv. The petitioner shall inform the IO on his return from USA;
- v. The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending case;
- vi. The petitioner shall not dispose of the said immovable property during his travel to USA and in case any of the above conditions are violated, the security will be liable to be forfeited.

8. Accordingly, the present application is allowed and disposed of in the aforesaid terms.

**W.P.(CRL) 275/2023**

List on 27<sup>th</sup> April 2023.

**FEBRUARY 9, 2023**

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**RAJNISH BHATNAGAR, J**