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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 25th January, 2021

+ **W.P.(C) 11072/2020 & CM APPLs. 34572/2020, 34573/2020, 34574/2020**

SH. RAHUL VAID

..... Petitioner

Through: Mr. Rohit Goel, Advocate
(M-9312248785)

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Anil Soni, CGSC with Mr.
Devesh Dubey, Advocate
(M-9312224805)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done in hybrid mode (physical and virtual hearing).
2. In accordance with the last order dated 6th January, 2021, ld. counsel for the Petitioner has sought instructions and submits that his passport has been renewed for a period of five years by the Consulate General of India in Sydney.
3. There is an impleadment application, CM Appl. No. 2670/2021, which has been filed by Ms. Kanika Vaid – the wife of the Petitioner in this matter. Various orders passed by the Court in the criminal proceedings which are pending against the Petitioner have been placed on record. It is her submission that the renewal of the passport was subject to various conditions as contained in the order dated 25th November, 2019, passed by the Special Judge (NDPS), North, Rohini Courts, Delhi in the revision petition filed by the Petitioner. She further submits that this order has been

upheld by this Court vide order dated 29th January, 2020 in **Crl.M.C 6194/2019** titled **Kanika Vaid v. State (NCT of Delhi) & Anr.** However, though the old passport has been suspended and a new one has been issued there is no clarity as to whether the conditions imposed vide order dated 25th November 2019 continue to operate qua the Petitioner or not. This position deserves to be clarified according to the intervenor.

4. A perusal of the impleadment shows that there are matrimonial disputes between the Petitioner and his wife leading to complaints being filed. In one such complaint filed by Ms.Vaid, the Petitioner sought anticipatory bail which was dismissed. Since he was already in Australia, finally he travelled to India and was even arrested. The Petitioner then sought permission to travel to Australia which was initially dismissed on 26th August 2019. However, in a Revision petition filed by the Petitioner, vide order dated 25th November 2019, the Sessions Court granted permission to travel subject to the following conditions:

“13. In view of such observations, this court passes the following directions:

i) That the order dated 26.08.2019 passed in FIR No.403/18, U/s 498-A/406/313/354-A/34 IPC, PS Model Town is set-aside and, thus, the applicant is permitted to travel/go abroad for resuming his duty;

ii) That the court directs the Passport Authority to consider the application of the applicant to be moved to renew the passport of the applicant in accordance with law and rules without influencing by any findings passed in this order;

iii) That in case the applicant joined his duties in Australia then the applicant shall supply all his functioning mobile numbers and the place of abode within 10 days to the Id. Trial Court as well as to the Consulate General of India in the said country;

- iv) That the applicant shall not visit any other country except India and Australia without obtaining prior permission of the court;*
- v) That the applicant shall submit his passport within 48 hours immediately to the office of Consulate General of India in Australia and whenever he shall have to come to India, he shall have to apply for the release of his passport;*
- vi) That the applicant shall appear either himself or through his counsel on each date of hearing unless the presence of the applicant is unavoidable, as per directions to be passed, by the ld. Trial Court. Ld. Counsel for the applicant shall submit before the ld. Trial Court that he will not dispute the identity of the applicant during trial on dates when the applicant will appear through his counsel;*
- vii) That in case the applicant violates any of the condition, then the ld. Trial Court is at liberty to pass any order in accordance with the law including the order to reconsider the earlier orders passed.”*

5. The above order was challenged by the Petitioner before this court in **Crl.M.C 6194/2019** titled **Kanika Vaid v. State (NCT of Delhi) & Anr.** The same was dismissed by a Ld Single Judge vide order dated 29th January 2020. The operative portion of the said order is set out below:

“As regards the prayer that has been made by the petitioner seeking the release of the said amount of Rs.5,00,000/- which has been deposited by the respondent no.2 in terms of directions dated 27.01.2020 in the present petition, in as much as, the proceedings are still pending against the order of grant of maintenance dated 08.08.2019 in CA No. 176/2019, presently no such order for the release of the amount of Rs.5,00,000/- as deposited by the respondent no.2 can be granted. However, the learned Courts

seized with the maintenance proceedings qua maintenance to be granted to the petitioner and the minor child born of the wedlock between the petitioner no.1 and the respondent no.2 may consider the aspect of the release of the said sum of Rs.5,00,000/- for the minor child of the respondent no.2 if considered appropriate during the course of the said maintenance proceedings. No further orders in relation to the said aspect are called for.

As regards the submissions made on behalf of the petitioner that the respondent no.2 be not permitted to travel abroad for his employment, as rightly observed by the learned Revisional Court vide the impugned order dated 25.11.2019, no such restriction as sought by the respondent no.2, is presently required to be imposed in view of the specific conditions imposed vide para 13 of the impugned order dated 25.11.2019, which shall continue.

It has however, been submitted on behalf of the petitioner and not refuted on behalf of the respondent no.2 that the respondent no.2 has since been issued a fresh passport, the copy of the same be placed on the record and be supplied to the State and in as much as it has been submitted on behalf of the petitioner that the details of the spouse of the respondent no.2 and of the child born of the wedlock between the petitioner and the respondent no.2 have not been given to the Australian Consulate and to the Indian Consulate, the details in relation thereto, shall be provided by the respondent no.2 to both Consulates before he leaves the country.

*No further directions are called for.
The petition stands disposed of.”*

6. It is, thus, clear from the above directions issued that the conditions contained in the order dated 25th November, 2019 shall continue to apply on the Petitioner. Ld. counsel for the Petitioner submits that he does not dispute

this position. Accordingly, the Ministry of External Affairs and the Consulate General of India in Sydney shall ensure that the Petitioner strictly abides by the conditions contained in the order dated 25th November, 2019 upheld by this Court vide order dated 29th January, 2020.

7. Since the new passport has now been issued for a period of five years, the old passport which was suspended shall now be treated as cancelled.

8. No further orders are called for in this matter. The petition and all pending applications are disposed of.

PRATHIBA M. SINGH
JUDGE

JANUARY 25, 2021

Rahul/As