

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

123

CWP-30175-2022
Date of Decision: 23.12.2022

SUSHANT MALIK AND ANR

... Petitioners

VERSUS

UNION OF INDIA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Dr. Malvika Singh, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to withdraw the LOC (Look Out Circular), if any, issued against the petitioner so that the petitioner may travel abroad to meet his ailing wife.

Learned counsel for the petitioners contends that the petitioners are accused in an FIR No.343 dated 18.06.2022, under Sections 406, 420, 120-B and 506 of the Indian Penal Code, 1860 registered at Police Station Sadar Gohana. The petitioners have been granted bail in the said case by the Judicial Magistrate Ist Class, Gohana on 24.06.2022, however, the Investigating Officer had been directed to retain the Passport of the petitioners. It is contended that the wife of the petitioner No.1 is suffering from critical medical condition and that she is living alone in Australia. The petitioner No.1 –husband is thus required to travel to Australia to take care of his ailing wife.

An application was submitted by the petitioner No.1 to the Judicial Magistrate Ist Class, Gohana to seek permission to travel abroad which was

allowed by the Illaqa Magistrate vide order dated 08.12.2022 (Annexure P-4) subject to certain directions contained therein.

Learned counsel for the petitioners further contends that the petitioner thereafter moved a representation dated 17.12.2022 to the respondent No.5-Superintendent of Police, Sonipat to get the Look Out Circular dated 18.06.2022 revoked/withdrawn, however, no response has been furnished to the same till date. It is argued that since the petitioner No.1 has already been permitted by the competent Court to travel abroad, continuation of the LOC by the respondents would be a deprivation of the rights guaranteed under Article 21 of the Constitution of India. The petitioner being authorized to travel cannot be restrained by the non-withdrawal of the Look Out Circular.

Notice of motion.

Mr. Avind Seth, Central Government Counsel accepts notice on behalf of respondents No.1 and 2 and Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of the respondents No.3 to 5. Mr. S.P. Jain, Addl. Solicitor General of India submits that no Look Out Circular is pending against the petitioner as on date and as such the petition is premature.

In view of the above statement made by the Addl. Solicitor General of India that no Look Out Circular has been issued against the petitioner No.1, the apprehension of the petitioner about existence of Look Out Circular or against restriction to his travelling abroad is misplaced.

The present petition is accordingly disposed of as having been rendered infructuous at this stage.

(VINOD S. BHARDWAJ)
JUDGE

23.12.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No