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

+ **CRL.M.C. 6290/2023, CRL.M.A. 23541/2023**

VIKAS DHULL & ANR.

..... Petitioners

Through: Mr. Jatan Singh, Mr. Yatika
Chaudhary, Mr. Tushar Lambha and
Mr. Vikash Sharma, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Sahni, APP and Insp. G.N.
Tiwari, PS EOW.

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Date of Decision: 01.09.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 23540/2023 in (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

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1. The present petition has been filed with the following prayer:

*“a) Set aside the order Dt. 11.08.2023 passed by the Ld.
ASJ, Vijay Shankar, THC, New Delhi dismissing the
application for release of passports to travel abroad for
business purposes.*

b) Allow the Present Petition and direct the Ld. MM to

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release the passports of the Petitioners namely Vikas Dhull and Arun Dhull and be permitted to travel to Israel for their business meetings scheduled from 01.10.2023 to 05.10.2023.

c) Pass any such order or directions, as this Hon'ble Court may deem fit and proper in the interest of justice."

2. Mr. Jatan Singh, learned counsel for the petitioner submits that vide order dated 18.11.2021 the petitioner was admitted to interim bail by the learned Additional Sessions Judge on the condition of furnishing a personal bond for a sum of Rs. 5,00,000/- (Rupees Five Lakhs only) with two sureties of the like amount and was further directed to deposit his passport with the learned Trial Court within one week from the release from jail. A further condition was imposed that the petitioner shall not leave the country without the permission of the learned Trial Court. This order was confirmed by the learned Additional Sessions Judge vide order dated 31.01.2022.
3. Learned counsel for the petitioner submits that the matter has already been settled and the petition for quashing of CRL.M.C. 6403/2022 is pending for disposal and is now listed on 22.09.2023.
4. Learned counsel for the petitioner submits that the petitioners are required to visit Israel for the purpose of business from 30.09.2023 to 05.10.2023.
5. Issue notice.
6. Learned APP for the State has accepted the notice.
7. Learned APP submits that since the matter has already been settled and a quashing petition is already pending before this court. Therefore, an



appropriate order may be passed.

8. This court has seen the impugned order and is of the view that the impugned order itself suffers from infirmity. This court does not find any ground for the rejection of the application. Learned Additional Sessions Judge dismissed the application merely on the ground that the quashing petition is pending before this court. The right to travel is one of the facets of the fundamental right of a person. The denial of the same may amount to the curtailment of the liberty.
9. The matter has already been settled. In view of the facts and circumstances, let the passports be released to the petitioners and are permitted to travel abroad from 30.09.2023 to 05.10.2023 subject to the following terms and conditions: -
 - a) The petitioners before going abroad shall furnish an undertaking before the learned Trial Court;
 - b) The petitioner shall also report to the learned Trial Court after their arrival;
 - c) The petitioners shall also furnish their itinerary and place of stay during travel to the learned Trial Court.
10. In the meantime, if the pending quashing petition is allowed then the conditions imposed will stand nullified.
11. With these observations the present petition along with pending application stands disposed of.



DINESH KUMAR SHARMA, J

SEPTEMBER 1, 2023/AR

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