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

+ **W.P.(CRL) 3384/2024**

MOHD AFNAN

.....Petitioner

Through: **Mr. Mohd. Khurshid and Mr. Kartik Gupta, Advocates.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Amit Peswani, Advocate for Ms. Nandita Rao, ASC for the State with SI Shri Narayan, P.S. Hauz Qasi. SI Amar Singh, P.S.: Kishangarh.**

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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28.10.2024

CRL.M.A. 32566/2024

Exemption granted, subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 3384/2024

By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner impugns the conditions imposed by the learned Additional Chief Metropolitan Magistrate, Tis Hazari Courts, New Delhi *vide* orders dated 01.05.2024, 02.05.2024 and 06.01.2024 while deciding an application filed by the petitioner seeking permission to travel abroad. The application was made by the petitioner in the bail granted to him in case FIR No. 0012/2016 dated 16.01.2016 registered under sections 186/353/332/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Hauz Qazi, Delhi.



2. While granting to the petitioner permission to travel abroad, the learned Magistrate has *inter-alia* imposed a condition that the petitioner must deposit an FDR in the sum of Rs. 2 lacs with the learned trial court and file a 'no-objection certificate' from his surety.
3. Mr. Mohd. Khurshid, learned counsel appearing for the petitioner submits, that as detailed in ground 5.2 pleaded in the petition, the petitioner has a very long travel history from April 2016 upto May 2024, and on each occasion the petitioner has travelled with the prior permission of the learned trial court, without ever violating any conditions of travel, and has always duly returned to India giving no cause for concern to the learned trial court. In light of the long travel history, learned counsel argues, that the conditions imposed by the learned Magistrate are excessive and unwarranted.
4. Upon being queried, Mr. Khurshid submits, that the petitioner has already availed the benefit of the impugned orders and has complied with the conditions contained in orders dated 01.05.2024, 02.05.2024 and 06.01.2024 on earlier occasions.
5. Learned counsel however submits, that the petitioner's apprehension is that the conditions imposed by the impugned orders are unjustified and unnecessary; and may form a precedent when the petitioner applies for permission to travel at a subsequent stage.
6. In the opinion of this court, at this stage the prayer made in the petition is speculative and hypothetical, inasmuch as the petitioner has already availed the benefit of the permission granted to him to travel abroad *vide* orders dated 01.05.2024, 02.05.2024 and 06.01.2024 and has even complied with the conditions imposed. Whether or not the same



conditions would be imposed by the learned trial court or by any other court, if and when the petitioner seeks permission to travel abroad subsequently, is purely a matter of speculation and conjecture.

7. Also, since the petitioner has already availed of the permission to travel in the past and has complied with the very same conditions, which he now seeks to impugn by way of the present petition, it also cannot be said that the petitioner is aggrieved by the aforesaid orders, in that sense.
8. Accordingly, this court is not persuaded to entertain the prayers made by way of the present petition.
9. The petition is accordingly dismissed and disposed-of; without making any observations on the merits of the challenge to the aforementioned conditions.
10. Pending applications, if any, stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 28, 2024

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