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

+ **CRL.M.C. 9313/2024**

YOGESH VATS

.....Petitioner

Through: Mr. Archit Kaushik, Mr. Shashank Jha, Ms. Priyanka Thakur, Mr. Bramhansh Bhardwaj, Advs.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the State with SI Sumit Kumar, PS Dwarka North
Dr. Sudhir Sangal, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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23.12.2024

CRL.M.A. 35699/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 9313/2024

1. The present petition has been filed challenging the order dated 21.11.2024 passed in sessions case 843/2022 whereby the request of the petitioner to travel to Sheridan College, Ontario, Canada for further studies was declined.
2. Briefly stated the facts of the case is that FIR No. 258/2019 was lodged at PS Dwarka, North, Delhi under Sections 451/323/427/34 IPC, and the petitioner was arrested. Subsequently, the petitioner filed an application for bail, which was granted by the Coordinate Bench of this Court in Bail Application No. 2705/2019 on 17.02.2020. However, as a condition for bail, it was directed that the petitioner



should not leave the jurisdiction of the NCT of Delhi without prior permission from the concerned Court. In the meantime, another FIR No. 159/2022 was registered against the petitioner at PS Dwarka under Section 306 IPC. Thereafter, on 23.10.2024, Sessions Case No. 843/2022, arising from FIR No. 258/2019, was taken up for hearing, and the complainant filed an application seeking the seizure of the petitioner's passport. On the same date, learned ASJ-02 issued an order directing the petitioner not to leave the country without the prior permission of the Court. Aggrieved of this, the petitioner filed CRL. M.C. 862/2024 titled *Yogesh Vats v. State (Govt. NCT of Delhi)*, and this Court, by order dated 04.11.2024, disposed of the petition with liberty to the petitioner to approach the learned Trial Court for permission to travel abroad for the purpose of completing his education. Thereafter, the petitioner filed an application before the learned Trial Court seeking permission to travel abroad, which was dismissed by the Trial Court vide the impugned order dated 21.11.2024.

3. It is pertinent to note that in 2023, the petitioner secured admission to Sheridan College, Ontario, Canada, to pursue further studies and subsequently left for Canada. Learned counsel for the petitioner submits that petitioner being a young student bona fide not aware of the legal complications and necessary requirements as mentioned in the order sheet and left the country for studies. It has been submitted that, whenever the case has been taken up for hearing, he has appeared through video conference. Learned counsel further submits that the petitioner has no intention to flee away.



4. Learned APP for the State and learned counsel for the complainant have opposed the present petition and submitted that in case the petitioner is granted permission to travel abroad to pursue his further studies, there is a likelihood that he may not be returned to India.
5. It is a matter of record that the petitioner's enrollment at Sheridan College, located in Oakville, Ontario, Canada, has been duly verified. The credentials of the petitioner's enrollment have also been confirmed through the college's application portal, and the information has been found to be accurate.
6. During the course of proceedings, this Court had sought a report from the Union of India to suggest any measures to ensure the petitioner's return to India upon completion of his course in August 2025. However, Dr. Sudhir Sangal, learned Central Government Standing Counsel, has submitted that the Ministry of External Affairs has no means of ensuring the presence of an individual in India. The only recourse to bring a fugitive back from a foreign country would be through extradition, which is a long-drawn process.
7. It is also a matter of record that FIR No. 258/2019 was lodged out of a that dispute arose from a landlord-tenant issue. The petitioner is a young individual who has his entire future and career lying ahead. While there is no denying that he has committed a default, it is evident that he has expressed remorse for his actions. The prosecution and the complainant have raised concerns about the petitioner's potential failure to return, his past conduct indicates that he did, in fact, return and attended the trial proceedings.
8. In these peculiar facts and circumstances, the petitioner is granted



permission to travel abroad to attend his further studies at Sheridan College, situated in Oakville, Ontario, Canada. Let the passport of the petitioner be released to the petitioner subject to the conditions:

- a. the petitioner shall furnish an undertaking before the learned Trial Court providing the month of his completion of studies in Sheridan College, Ontario, Canada and the month of his return to India; The petitioner shall also undertake that he shall return on completion of his course;
 - b. the petitioner shall also deposit his passport before the learned Trial Court upon his return
 - c. the petitioner shall deposit an FDR in the sum of Rs.2,00,000/- with the learned Trial Court which shall be released upon his return to India;
 - d. the petitioner shall provide his mobile number and the address of Canada where he resides by way of an affidavit to the learned trial court;
 - e. the petitioner shall appear through VC during his stay in Canada as and when directed by the learned Trial Court.
9. In case the petitioner fails to return the Ld. Trial Court shall take appropriate action to procure his appearance.
10. In view of the above, the present petition stands disposed of.
11. Order *Dasti*.

DINESH KUMAR SHARMA, J

DECEMBER 23, 2024

Pallavi/smg