



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

Reserved on: 04th November 2025

Pronounced on: 08th December 2025

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W.P. (CRL) 475/2024

SUKHBIR SINGH @ BABBAL

S/o Late Sh. Sohan Lal

R/o H. No. 2244/170

Ganeshpur, Trinagar,

Delhi 110035

.....Petitioner

Through: Mr. R.P.S.Sirohi, Advocate and Mr.
Gaurav Nagar, Advocate.

versus

STATE OF NCT OF DELHI

Through SHO P.S. Keshav Puram

Delhi-110035

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for the
State with Mr. Arjit Sharma and Ms.
Sakshi Jha, Advocates with SI Anita.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition under Articles 226 and 227 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*), has been filed on behalf of the ***Petitioner, Sukhbir Singh @ Babbal***, challenging the Order dated 20.12.2023 passed



by the Hon'ble Lieutenant Governor, Delhi ("L.G.") in *Appeal Case No. 92/2023* whereby the Order dated 25.10.2023 of Additional Deputy Commissioner of Police-I, North-West District, Delhi Police ("*Addl. DCP*") directing the removal of the Petitioner from the limits of the NCT of Delhi passed under Section 47 of Delhi Police Act, 1978 (*hereinafter referred to as "DP Act"*), was upheld and the period of Externment was modified to three months.

2. ***The brief facts*** are that on the complaint of one Sh. Jaswant Singh, *FIR No. 41/2020 dated 26.05.2020* under Sections 323/341/506 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*) was registered at P.S. Keshavpuram.

3. The *Petitioner's wife, Ms. X (name withheld)*, also lodged *FIR No. 506/2020 dated 09.08.2020 under Sections 323/354/380/427/452/506/509/34 IPC at P.S. Keshavpuram*, in which a Chargesheet has been filed against nine persons, including the Petitioner.

4. Another *FIR, being No. 509/2020 dated 11.08.2020 under Section 384 IPC*, was registered at P.S. Keshavpuram on the complaint of one Sh. Ram Narayan, is presently under investigation.

5. Additionally, *FIR No. 511/2020 dated 12.08.2020 under Sections 354/323/341/509/34 IPC at P.S. Keshavpuram* was also registered against the Petitioner and four others, and a Chargesheet has been filed in that case as well.

6. Further, one Complaint under *Sections 107/151 Cr.P.C.*, was also lodged by police officials against the Petitioner.

7. It is submitted that based on the aforesaid FIRs and Complaint,



passed an Externment Order dated 25.10.2023 under Section 47 of the DP Act the Addnl. DCP, directed the Petitioner to remove himself from the limits of the NCT of Delhi for a period of six months.

8. The Petitioner preferred an *Appeal bearing Case No. 92/2023* titled “*Sukhbir Singh @ Babbal v. Additional Deputy Commissioner of Police-I, North-West District, Delhi Police*” under Section 51 of the DP Act. Hon’ble L.G., after considering the submissions of the Petitioner, reduced the period of removal *from six months to three months* and disposed of the Appeal *vide* order dated 20.12.2023.

9. The present Petition has been filed on the *ground* that the Impugned Order dated 20.12.2023 suffers from material irregularity, illegality, and manifest error. It is submitted that *FIR No. 41/2020* registered against the Petitioner has already been *voluntarily compounded* by the Complainant, Sh. Jaswant Singh, in which the Petitioner was the sole accused.

10. *FIR No. 509/2020* is still under investigation and the allegations therein have not been substantiated by the investigating agency so far. It is also asserted that *FIR No. 511/2020* registered against the Petitioner is a counterblast to FIR No. 506/2020 lodged by the Petitioner’s wife.

11. It is further submitted that *DD No. 53 dated 12.10.2023 on which proceedings under Sections 107/151 Cr.P.C. was registered*, was not based on any complaint by a private individual, but was initiated by police officials themselves, and there is no allegation of any quarrel or disturbance caused by the Petitioner.

12. It is asserted that the Appellate Authority has failed to consider that the primary condition for invoking Section 47 of the DP Act is that the



person must have committed or been involved in offences on three occasions within one year immediately preceding the initiation of action under the said provision. The Competent Authority, i.e., the Addl. DCP, having issued a *Show-Cause Notice* under Section 50(1) of the DP Act on 08.06.2023, could not have passed the Order dated 25.10.2023 under Section 47 of the DP Act, on the basis of cases registered in the year 2020.

13. The Petitioner contends that he is not a habitual offender or a desperate or dangerous person and does not pose any threat to the peaceful existence of society. The conditions prescribed under Section 47 of the DP Act were not satisfied and the Impugned Order is liable to be set aside.

14. *Accordingly, it is prayed that the Impugned Order dated 25.10.2023 and 20.12.2023 be quashed and the present Petition be allowed.*

15. *Status report has been filed on behalf of the Respondent/State*, stating that the Petitioner is involved in four heinous criminal cases as well as other petty offences. The Petitioner has been declared a *Bad Character (BC)* of Bundle 'A' of Police Station Keshav Puram, Delhi, and is alleged to have several criminal cases registered against him. Consequently, necessary proceedings for externment were initiated against him and vide Order dated 25.10.2023, he was directed to remove himself from the territorial limits of the NCT of Delhi, *for a period of six months.*

16. *An appeal was preferred against the said Order, and the Ld. L.G., vide Order dated 20.12.2023, has modified the earlier Order and reduced the period of Externment from six months to three months.*

Submissions heard and record perused.

17. The Petitioner assails the Order dated 25.10.2023 passed by the Addl.



DCP under Section 47 of the DP Act, by which he was directed to leave the limits of the NCT of Delhi for a period of six months. The Petitioner carried the matter in Appeal before the Hon'ble Lt. Governor, who, *vide* Order dated 20.12.2023, modified the direction and reduced the period of externment to three months.

18. It is a settled principle that Administrative Orders, even when based on subjective satisfaction, are open to **judicial review** if they are arbitrary, unreasonable, or passed without following the procedure prescribed by law, as has been held in the case of State of NCT of Delhi vs. Sanjeev alias Bittoo, (2005) 5 SCC 181. The Apex Court grouped the principles in two categories, namely, (i) *failure to exercise a discretion* and (ii) *excess or abuse of discretionary power, which both are not mutually exclusive*. It also noted that the Courts should interfere in the administrative only in limited circumstances. The Apex Court in Deepak v. State of Maharashtra, 2022 SCC OnLine SC 1999 has affirmed the same approach.

19. The Externment Order is in the nature of preventive measure to invoke and to maintain law and order in situations of rising criminal activity, rather than a judicial determination of guilt. It imposes exceptional restrictions on the movement of a person which may not seem ordinary. Given that an Externment Order can compel a person to leave his home and family and may even hinder his ability to earn a livelihood, it requires judicious consideration of the requisite conditions as prescribed and must meet the *Test of "Reasonableness"*, which implies that the authority must consider all relevant factors that require his attention and must refrain from taking into account any factors that are irrelevant.



20. Lord Diplock in CCSU Case, (1984) 3 All ER 935 explained that the principles of “illegality”, “procedural impropriety” and “irrationality”, “Irrationality, is another aspect of “Wednesbury reasonableness”, which means a decision which is so outrageous in its defiance of logic or of accepted moral standards that no reasonable person, who has applied his mind to the question, could have arrived at the said conclusion.

21. To appreciate whether the prerequisites of Externment were satisfied, it would be relevant to reproduce Section 47 DP Act, which reads as under:-

“47. Removal of persons about to commit offences-

Whenever it appears to the Commissioner of Police-

(a) that the movements or acts of any person are causing or are calculated to cause alarm, danger of harm to person or of property; or

*(b) that there are reasonable grounds for believing that such person is engaged or is about to be **engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, Chapter XVI, Chapter XVII or Chapter XXII of the Indian Penal Code (45 of 1860) or under Section 290 or Sections 489A to 489E (both inclusive) of that Code or in the abetment of any such offence: or***

(c) that such person-

*(i) is so **desperate and dangerous as to render his being at large in Delhi or in any part thereof hazardous to the community; or***

*(ii) has been found **habitually intimidating other persons by acts of violence or by show of force; or***

*(iii) habitually commits **affray or breach of peace of riot, or habitually makes forcible collection of subscription or threatens people for illegal pecuniary gain for himself or for others; or***

(iv) has been habitually passing indecent remarks on women and girls, or teasing them by overtures, and that in the



opinion of the Commissioner of Police witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, the Commissioner of Police may, by order in writing duly served on such person, or by beat of drum or otherwise as he thinks fit, direct such person to so conduct himself as shall seem necessary in order to prevent violence and alarms or to remove himself outside Delhi or any part thereof, by such route and within such time as the Commissioner of Police may specify and not to enter or return to Delhi or part thereof, as the case may be, from which he was directed to remove himself.

Explanation- *A person who during a period within one year immediately preceding the commencement of an action under this Section has been found on not less than three occasions to have committed or to have been involved in any of the acts referred to in this Section shall be deemed to have habitually committed that act."*

22. Aforesaid Section defines the circumstances in which the Order of Externment may be made and provides that:

(1) the person **habitually**:

- (a) indulges in acts of *violence or show of force*; or
- (b) *commits affray or breach of peace or riot*, or
- (c) *makes forcible collection of subscription* or threatens people for illegal pecuniary gain for himself or for others; or
- (d) has been passing *indecent remarks on women and girls*, or teasing them by overtures; and

(2) that *witnesses are not willing to come forward to give evidence in public* against such person by reason of apprehension on their part as regards the safety of their person or property; or



(3) he is *so desperate and dangerous* as to render his being at large in Delhi or in any part thereof hazardous to the community.

23. The Petitioner contends that the requirements for invoking Section 47 of the DP Act are wholly absent. He submits that one of the FIRs has already been compounded, two others are pending trial or investigation, and none has resulted in a finding of guilt. He further argues that all the incidents relied upon occurred in 2020 and therefore cannot satisfy the one-year requirement preceding the initiation of externment proceedings.

24. To appreciate the contention of the Petitioner, it would be significant to reproduce the relevant Order dated 25.10.2023 passed by the Addl. DCP, directing the Petitioner to leave the NCT of Delhi for six months, read as follows:

*“On the basis of statements of witnesses recorded in camera by Dr. Rashmi Sharma Yadav, the then Addl. Dy. Commissioner of Police-I, NW, I am fully satisfied that the witnesses are not willing to come forward to make statements in public against him due to apprehension with regard to the safety of their person and property but they have deposed so in camera. I have also carefully gone through the record and other relevant material available during the course of proceedings. The record suggests that respondent is repeatedly **involved in 03 criminal cases and many complaints**. A close scrutiny of the record clearly indicates that there are sufficient grounds to conclude that he is actively involved in these cases. The respondent is not likely to reform his life and is actively involved in the criminal activities. I am satisfied that there are sufficient reasons to believe that respondent is **a man of criminal propensity** and attracting action against him U/s 47 DP Act. His externment is also essential in the interest of the innocent persons. As such, it is a fit case for externment of*



the respondent from the NCT of Delhi.

*Keeping in view of the evidence brought on file I have no hesitation in concluding that **he is a criminal who is not likely to reform his way of life** till stringent measures are taken against him and **his activities in the area of NCT of Delhi are causing, calculated to cause harm, danger and alarm to the respectable citizens and they feel insecure.** Moreover, unless he is warned of his present company, he is not likely to reform himself and not wants to start a normal life. **His continuous presence in the area leads to alarm and danger, constant source of tension and disturbance in the minds of law-abiding** citizens of the area who have the right to lead a peaceful life. In my opinion this case is well within the scope of section 47 of DP Act, 1978 and he is a fit person to be extended from the limits of NCT of Delhi.”*

25. From the aforesaid Order of Additional DCP dated 15.10.2023, it emerges that the main ground for Externment Order was that there was repeated involvements in three criminal cases and many Complaints. It was held that there was sufficient ground to concluded that he is actively involved in these cases and therefore, there was no likelihood of reform in his life. Learned Additional DCP thus, recorded the satisfaction of there being sufficient reasons to believe that Respondent is a man of criminal propensity, which attracts the action against him under Section 47 DP Act.

26. The **first category under S.47**, for externment is that the person is **habitual of acts** of *violence or show of force, or affray or forcible collection of subscription or of passing comments on the women.*

27. The **explanation to Section 47 DP Act** defines who would be termed as **habitual**. It provides that any person, who within one year immediately preceding the commencement of an action under this Section, is found on



not less than three occasions to have committed or involved in such acts referred to in this section, shall be deemed to have **habitually** committed that act.

28. In the **Status Report**, there were **four FIRs** bearing FIR Nos. 41/2020, 506/2020, 509/2020 and 511/2020 registered at P.S. Keshavpuram against the Petitioner between May and August 2020. There was also one Preventive Action under Sections 107/151 Cr.P.C.

29. The impugned Order rests on the **three FIRs** No. 506/2020, 509/2020 and 511/2020 which were under S.354 IPC to assert that the Petitioner was habitual to commit such offences. The details of the FIRs are as under:

S.NO	FIR NO.	UNDER SECTION	POLICE STATION	STATUS
1.	431/2020	U/S 323/341/506 IPC	P.S. Keshav Puram	Acquitted
2.	506/2020	U/S 323/354/380/427/45 2/506/34 IPC	P.S. Keshav Puram	Pending Trial
3.	509/2020	U/S 323/341/354/509/34 IPC	P.S. Keshav Puram	Pending Investigation
4.	511/2020	U/S 323/341/354/509/34	P.S. Keshav Puram	Pending Trial
5.	DD No. 53A	U/S 107/151 Cr.P.C.	P.S. Keshav Puram	Pending Enquiry

30. From the details of the FIRs, it is evident that though there are three FIRs under S.354 IPC but all the aforesaid FIRs are of the year 2020. Externment proceedings were initiated on **08.06.2023**, thereby reflecting that there is no FIR whatsoever, in the year preceding the date of initiation



of Externment proceedings. Therefore, there is no evidence to show that petitioner was *habitual* and therefore, first category of S.47 is not satisfied.

31. The **second category** of cases where an Externment Order may be made against an individual is that he was found to be engaged in commission of offence involving **force or violence under Sections 290 or 489A– 489E IPC**. From the details of FIRs, as mentioned hereinabove, it is evident that there exists no reasonable grounds to believe that the Petitioner was engaged in such like offences or that he has a propensity to do so.

32. The **third category** where Section 47 DP Act is applicable is to those who are considered **desperate and dangerous and hazardous to the community**. Herein, again from the aforesaid FIRs, no such inference can be drawn.

33. To establish that the presence of the Petitioner in the society is dangerous and hazardous to the community, in the impugned Order it is mentioned that the **statements of two witnesses** were recorded.

34. The Record shows that two witnesses Mr. J. and Mr. S. were recorded. Interestingly, their statements are almost identical stating that the Petitioner had been threatening and demanding money from the people under the threat that he would report in MCD or the Police and that he harasses the business people. He is a criminal type of a person and he is a danger to the society.

35. Statement of these prosecution witnesses aside from being identical, are evidently conjured statements asserting that he has been extending threats to the shopkeepers and demanding money. There is not a single detail, either of the shopkeeper or of the shop or of the date, on which any



such threat had ever been extended. From the bare perusal of these statements, it is evident that an endeavour has been made to fulfil the requirements of Section 47 DP Act. These statements, do not, in any manner, show that there was harassment of any shopkeeper, demand of illegal money or threats being extended to the public at large.

36. Further, the statement of Sukhbir Babaal/Petitioner recorded during the Proceedings, makes an interesting reading. It has been recorded on a pre-typed statement, wherein only the name and alleged offending acts have been inserted. The contents of Section 47 DP Act, have been repeated without there being any corroborative details. There is nothing to indicate the status of Sukhbir Babaal or that he was a person, who had any knowledge about the facts about which he was deposing. It is in fact a statement recorded on a cyclostyle sheet, which, in any way, cannot be held to be evidence to prove any of the requirements under Section 47 DP Act.

37. Thereafter, on the same day, i.e. 25.10.2023, impugned Order of Externment has been made by Additional DCP. Pertinently, as already noted above, there is not Order-sheet of 25.10.2023 either reflecting that any Reply was filed on behalf of the Petitioner or that the statements of the witnesses were recorded or that the Order of Externment was made.

38. From the record and the Order, it is manifest that it is a mechanical Order, which does not establish any of the requisite conditions for justifying an Order of Externment under Section 47 DP Act. The Original File of the DCP, submitted *vide* Order dated 04.11.2025, be returned by the Registry.

**Relief:**

39. In the light of aforesaid, it is held that no grounds for Externment under Section 47 DP Act have been satisfied. The Order of Externment dated 25.10.2023 and the Order of Hon'ble LG dated 20.12.2023, is hereby quashed.

40. Pending Applications, if any, are accordingly, disposed of.

NEENA BANSAL KRISHNA, J.

DECEMBER 08, 2025/R