



\$~100

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

+ W.P.(C) 6837/2025
JAVED KHAN ZADA

.....Petitioner

Through: Mr. Asghar Khan, Mr. Abdul Tahir
Khan and Mr. Zeeshan Khan, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Nidhi Raman, CGSC, Mr. Arnav
Mittal, Mr. Akash Mishra, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **20.05.2025**

CM APPL.30998/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 6837/2025

3. The present petition has been filed by the petitioner seeking that he be allowed ingress/ entry into India inasmuch as the petitioner was issued a valid visa on 09.01.2020 and was also issued a return visa by the FRRO for a period of 90 days from 17.01.2024 to 16.03.2024, prior to his departure from India to Afghanistan.
4. The petitioner is a citizen of Afghanistan and has been residing in India since 10.03.2020 on the basis of a 'B-2 multiple entry Gratis Visa' dated 09.01.2020 [valid till 08.07.2020] issued by the concerned authorities in India [appended as Annexure 1 to the present petition].
5. Thereafter, proceedings were initiated against the petitioner being



Complaint Case No. 2420/2022 titled '**Customs v. Jawid Khanzada**' which are pending consideration before the Learned Metropolitan Magistrate-01, New Delhi District, Patiala House Courts.

6. During the pendency of the aforesaid proceedings, the petitioner was compelled to travel back to Afghanistan on account of the demise of his son. To this effect, a 'return visa' was issued by the FRRO, by which, the petitioner was permitted to travel to Afghanistan and the said return visa was to remain valid for a period of 90 days from 17.01.2024 to 16.03.2024. The petitioner departed from Delhi to Kabul on 24.01.2024.

7. During the course of hearing, it transpires that, the petitioner was unable to enter into India from Afghanistan on account of the fact that the petitioner was prevented by the Afghan authorities from boarding a flight to India.

8. Be that as it may, learned Standing Counsel appearing for the respondent no.3 submits that the petitioner is free to submit an application for grant of visa before the Indian High Commission in Afghanistan. The same shall be duly considered in accordance with the applicable rules/regulations.

9. Learned counsel for the petitioner submits that the petitioner is required to be in India in terms of an order dated 08.07.2024, passed by the Court of Metropolitan Magistrate-01, New Delhi District, Patiala House Court, New Delhi in Complaint Case No.2420/2022. It is submitted that specific directions have been issued therein requiring the petitioner to be in India for the purpose of the said proceedings. The petitioner is at liberty to apprise the Indian High Commission in Afghanistan on this aspect while submitting his visa application before it. The same shall be duly considered



in accordance with law by the Indian High Commission, Afghanistan while processing the visa application of the petitioner.

10. No further order/s are required to be passed in the present petition. The same is, accordingly, disposed of.

MAY 20, 2025/cl, dn

SACHIN DATTA, J