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

+ CRL.M.C. 1138/2026

ROHIT ANTIL

.....Petitioner

Through: Mr. Gagan Bhatnagar, Advocate.
versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for the
State.
SI Ramesh Kumar, P.S. Mundka.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

26.02.2026

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By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner essentially seeks *permission* to travel to Canada to be with his wife for a period of 90 days. It is stated that the petitioner's wife is on a student visa in that country.

2. The petitioner is facing trial in case FIR No. 0329/2016 dated 27.08.2016 registered under sections 308/354/341/506/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Mundka, West Delhi. The matter is next listed before the learned trial court for prosecution evidence on 10.03.2026.
3. Notice on this petition was issued *vidé* order dated 10.02.2026.
4. Mr. Nawal Kishore Jha, learned APP appearing for the State has handed-up a copy of Status Report dated 16.02.2026. The same is taken on record. A copy of the status report has also been furnished to the opposing counsel.



5. Mr. Gagan Bhatnagar, learned counsel appearing for the petitioner submits, that the petitioner has been granted anticipatory bail *vidé* order dated 20.10.2016 passed by a Co-ordinate Bench of this court in BAIL APPLN. 2141/2016.
6. In this backdrop, learned counsel for the petitioner draws attention to order dated 20.02.2025 passed by the learned trial court, whereby the petitioner's application seeking No-Objection for renewal of his passport for a period of 10 years was allowed, primarily on the ground that no travel restrictions were imposed upon the petitioner as part of his anticipatory bail. However, the learned trial court had observed that the petitioner would *seek prior permission* of the court before travelling abroad.
7. Mr. Bhatnagar points-out, that subsequently however, *vidé* order dated 15.04.2025, while granting permission to the petitioner to renew his passport, the learned trial court only imposed a condition that prior to his departure from India, the petitioner would *intimate* the court regarding his visit abroad. The relevant extract of order dated 15.04.2025 reads as follows:

“4. Perusal of record shows that while granted anticipatory bail to the applicant/accused by Hon’ble High Court of Delhi, there was no condition or boundation imposed upon the applicant/accused for renewal of his passport or to depart from India. Vide order dated 20.02.2025 passed by this Court, NOC has already been granted to applicant/accused for renewal of his passport for a period of ten years, if the applicant/accused is otherwise entitled for getting his passport renewed as per law/rules. Further, this Court has no objection if the applicant/accused depart from India, however, he shall intimate this Court regarding his visit



abroad before leaving country so that trial is not delayed for want of his presence.”

(emphasis supplied)

8. In this background, Mr. Bhatnagar draws attention to impugned order dated 16.01.2026 passed by the learned trial court, whereby an application filed by the petitioner in relation to his plan to travel to Canada has been dismissed. Relevant extracts of the impugned order read as follows:

“2. It is submitted by the Ld. Counsel for the applicant/accused that wife of the applicant namely Mrs. Sonu Kumari is presently residing in Canada for the purpose of pursuing her studies of Master of Business Administration. It is further submitted that vide order dated 20.02.2025, the applicant/accused was ordered to obtain prior permission of this Court before travelling abroad. Furthermore, while granting permission to depart from India, this Court was pleased to direct that the applicant/accused shall intimate the Court regarding his proposed visit abroad prior to leaving the country. Hence, it is prayed that the applicant/accused may be granted permission to travel abroad on spousal grounds for the limited and bonafide purpose of visiting his legally wedded wife, who is currently residing at Canada.

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“5. Keeping in view of the above said facts & circumstances as well as considering the fact that course duration of wife of the applicant/accused at Canada is till April, 2026 only and today is 16.01.2026 and also considering the fact that the matter is at the stage of prosecution evidence; material witnesses are yet to be examined and the next date of hearing is 19.01.2026, no ground is made out to grant permission to the applicant/accused to visit Canada. Hence, the present application is hereby dismissed. Same be tagged with the main case file.”

(emphasis supplied)



9. Learned counsel submits, that accordingly the learned trial court has rejected the petitioner's prayer to travel to Canada on the following two grounds:
 - 9.1. *Firstly*, that the petitioner was required to obtain prior permission before travelling abroad, purportedly as a condition of his bail; and
 - 9.2. *Secondly*, that since the duration of the course that his wife is attending in Canada is only till April 2026; and the petitioner's application was being considered in January, 2026; and since the matter was pending at the stage of prosecution evidence, it was impermissible to allow the petitioner to travel abroad.
10. Mr. Bhatnagar argues, that the basis on which the learned trial court has rejected the petitioner's application are untenable, and the petitioner be permitted to travel to Canada, especially in view of orders dated 20.02.2025 and 15.04.2025.
11. On the other hand, while relying on the status report, Mr. Jha only points-out that the petitioner is facing trial in a serious matter; and the progress of the trial would be impeded if the petitioner is allowed to travel abroad. Upon being queried, learned APP submits, that the matter is listed next before the learned trial court on 10.03.2026 for recording the deposition of the petitioner's mother.
12. Upon a conspectus of the foregoing, based on the submissions made, and considering the circumstances of the present case, this court is persuaded to allow the present petition.



13. Accordingly, the present petition is disposed-of, granting to the petitioner *permission to travel to Canada for a period of 60 days*, subject to the following conditions:
- 13.1. The petitioner is directed to furnish to the Investigating Officer his itinerary, including his flight details as well as details of the place(s) where he would reside while in Canada, 03 days before departing from India;
- 13.2. The petitioner is directed to join the trial court proceedings *via* videoconferencing while he is in Canada or in transit between India and Canada.
- 13.3. Since the deposition of the petitioner's mother is scheduled to be recorded by the learned trial court on 10.03.2026, the petitioner's physical presence on that date is not required before the learned trial court. However, it is made clear that if at a given stage of the trial court proceedings, the petitioner's physical presence is required the learned trial court would be free to issue a direction to that effect and the petitioner would be bound to comply.
- 13.4. Further, the petitioner has undertaken that he would not raise any dispute or objection as to his identity; nor any other objection based on his physical absence in the course of the trial.
- 13.5. The petitioner shall also furnish a written intimation to the Investigating Officer once he returns to India.
14. The petition is disposed-of in the above terms.



15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 26, 2026

V.Rawat