



2026:DHC:1855



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6485/2023 and CM APPL. 25549/2023, CM APPL. 20022/2024**

Date of Decision: 18.02.2026

IN THE MATTER OF:

PRAVEEN KUMAR GUPTA @ PARVEEN GUPTAPetitioner

Through: Mr. Siddharth Arora, Ms. Jasleen Kaur
Advocates, along with petitioner in
person.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Anupam S. Sharma, SPP, CBI.

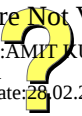
CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T**PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The present writ petition has been preferred by the Petitioner being aggrieved by the issuance of a Look Out Circular (LOC) at the best of Respondent No. 4 in connection with F. No. ECIR/DLZO-I/44/2021. The petitioner is accused no. 24 in ECIR/DLZO-I/44/2021.

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2026:DHC:1855



2. *Vide* Order dated 11.02.2025, the Principal District & Sessions Judge-Cum-Special Judge CBI, Rouse Avenue District Court, admitted the petitioner to regular bail on their furnishing personal bond and surety bond of Rs. 2,00,000/-. Various other conditions have been imposed, including not to leave the country without taking the permission of the Court. The relevant paragraph of the aforementioned is extracted as under:

"Accordingly, the above-said accused persons are admitted to regular bail on their furnishing personal bond and surety bond of Rs. 2,00,000/- each subject to following conditions:-

- (i) *Accused persons are directed not to contract or influence any of the witnesses of the case.*
- (ii) *Accused persons are directed not to leave the country without taking permission of the court.*
- (iii) *Accused persons are directed to inform the IO/ Competent Officer of ED in case of change of address (residential and official) and contact number.*
- (iv) *Accused persons would regularly attend the trial."*

3. In view thereof, the purpose of the LOC stands satisfied.

4. This Court in the case of ***Vineet Gupta v. Union of India***¹, while taking a note of various decisions *inter alia*, in ***Maneka Gandhi v. Union of India***², ***Sumer Singh Salkan v. Asst. Director***³ and ***Viraj Chetan Shah v. Union of India***⁴, has copiously reiterated that LOC is a coercive executive measure that directly impinges upon the fundamental right to travel, which forms an integral part of personal liberty under Article 21 of the Constitution of India. It was also emphasised that continuance of an LOC is not indefinite and

¹2026 :DHC:1616

² (1978) 1 SCC 248

³ 2010 SCC OnLine Del 2699

⁴ 2024 SCC Online Bom 1195

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must withstand strict judicial scrutiny on the touchstone of various factors like necessity, proportionality, fairness, and due process. Thus, it was held that where the subject has cooperated with investigation and there is no demonstrable requirement for restraint, continuation of the LOC would be arbitrary and liable to be quashed. The relevant extract of the aforementioned decision reads as under: -

“10. On the conspectus of the aforementioned decisions and memorandum, it is seen that the following guiding principles emerge governing the issuance, continuance, and judicial review of LOC:

(i) LOC constitutes a coercive executive measure having a substantial impact on the fundamental right to travel, which forms an integral facet of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India. Consequently, the power to issue an LOC must be exercised sparingly, strictly in accordance with law, and only upon satisfaction of the conditions prescribed under the governing Office Memoranda;

(ii) An LOC may be issued only in cases involving a cognizable offence under the relevant statutes, where specific, tangible material demonstrates that the person concerned is deliberately evading arrest or judicial process, or that there exists a real and proximate likelihood of absconding;

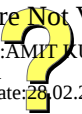
(iii) Moreover, the exceptional power under Clause 6 (L) of the Office Memorandum dated 22.02.2021 is to be narrowly construed and may be exercised only in rare and compelling cases, where, the proposed departure of subject poses a clear and grave threat to the sovereignty, security, or integrity of India, or to its strategic or economic interests in a national or systemic sense, or the larger public interest;

(iv) An LOC issued at the instance of Chairman, Managing Director, or Chief Executive Officers of Public Sector Banks, would not withstand the scrutiny of law and judicial review. Thus, as of now, the LOC issued to Public Sector Banks cannot be sustained and are liable to be quashed;

(v) Courts, in exercise of writ jurisdiction, are duty-bound to subject the issuance and continuation of LOCs to strict scrutiny, balancing the legitimate interests of the State with the individual's fundamental rights, and to quash such circulars

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where the restraint imposed is found to be arbitrary, disproportionate, lacking in statutory backing, or violative of the principles of fairness, reasonableness, and due process. Ultimately, the burden lies squarely upon the “originating agencies” to justify, the necessity, proportionality, and legality of the restraint, failing which such action cannot be sustained. Pertinent to observe that the continuance of an LOC is not indefinite and must be periodically reviewed. Where it is evident from the record that the subject has cooperated with the investigation, has not evaded the process of law, and where no further interrogation or presence is demonstrably required, the continued operation of an LOC would amount to an unreasonable and unjustified restriction on personal liberty;

*(vi) However, it is also to be emphasised herein that the Writ Court is not the exclusive grievance redressal mechanism available to a person against whom a LOC has been issued. As held in **Sumer Singh Salkan**, a person against whom a LOC is issued is, in the first instance, required to join the investigation or surrender before the jurisdictional Court, or otherwise satisfy the Court that the LOC is unwarranted. The individual may also approach the authority which ordered issuance of the LOC and seek its withdrawal on the grounds of illegality or non-application of mind. An LOC may be withdrawn by the originating authority and may also be rescinded or modified by the trial Court or the Court having jurisdiction over the concerned police station, upon an appropriate application.”*

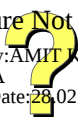
5. Though the Petitioner may avail the remedy of approaching the concerned Court for cancellation of the LOC in terms of the principles reiterated hereinabove and in ***Sumer Singh Salkan v. Asstt. Director & Ors***⁵, this Court, having regard to the overall facts and circumstances of the case and finding no cogent justification for the continued operation of the LOC in question, is of the considered view that the same cannot be sustained and is accordingly set aside.

6. The respondents, however, shall be at liberty to take any other appropriate action in accordance with law.

⁵2010 SCC OnLine Del 2699

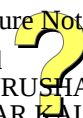
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7. The petition, along with the pending application, stands disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

FEBRUARY 18, 2026/aks/mj

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