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

+ **W.P.(C) 14468/2021**

PANKAJ GAUR

.....Petitioner

Through: Mr. Tanmaya Mehta, Mr. Manan Popli, Mr. Gaurav Jain, Mr. Atul Malhotra, Ms. Nupur Sharma, Ms. Karuna Sharma, Ms. Rashmi Gogoi, and Mr. Pramendra Singh, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms Manisha Agrawal Narain, CGSC alongwith Mr Nipun Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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11.03.2026

1. Mr. Tanmaya Mehta, learned counsel for the petitioner while placing reliance on the decision passed by this Court in the case of '*Rekha Dixit vs. Union of India & Ors.*' in W.P.(C) 6534/2023 dated 03.02.2026 submits that the Look Out Circular ('LOC') against the cousin sister of the petitioner was quashed with certain directions. He, therefore, submits that the case of the present petitioner is similarly situated to the case of Rekha Dixit. The aforesaid submission remains undisputed.

2. Learned counsel appearing on behalf of the respondents, however, submits that the Court may consider imposing similar conditions as have been imposed in the case of *Rekha Dixit*. The said submission seems to be reasonable.



3. This Court in the case of *Vineet Gupta v. Union of India & Ors.*,¹ while taking a note of various decisions including, *inter alia*, *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 the personal liberty guaranteed under Article 21 of the Constitution of India. It was also emphasised that the continuance of an LOC is not indefinite and 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

¹ 2026 :DHC:1616

² (1978) 1 SCC 248

³ 2010 SCC OnLine Del 2699

⁴ 2024 SCC Online Bom 1195



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 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."

4. Thus, having considered the overall facts and circumstances and in



view of the aforementioned principles there does not seem to be any justification to continue the LOCs in question, and accordingly, the same stand set aside.

5. Moreover, the directions passed in ***Rekha Dixit***, which are as under are to apply in the instant case also *mutatis mutandis*: -

- (i) The petitioner to submit an undertaking on an affidavit before the SFIO affirming that she shall continue to co-operate in the investigation, if any, and shall appear before the Investigating Agency as and when she is required;
- (ii) He shall produce all material/ documents requested from him by the Investigating Agency as may be available within his power/ possession;
- (iii) Henceforth, he shall furnish a full itinerary before the Investigating Agency seven days before undertaking any journey abroad;
- (iv) Once the complaint is filed, the said exercise will have to be undertaken before the Court of competent jurisdiction;
- (v) In case, the investigating agency or the Court has any reservation about the petitioner's travel, the Investigating Agency shall be entitled either to restrain him or to direct for issuance of a fresh LOC.

8. With the aforesaid directions, the instant petition stands disposed of along with all pending applications.

PURUSHAINDR KUMAR KAURAV, J

MARCH 11, 2026

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