



\$~19

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

+ W.P.(C) 9598/2023 and CM APPL. 43993/2024, CM APPL. 55250/2024, CM APPL. 38495/2025, CM APPL. 54438/2025

Date of Decision: **12.03.2026**

IN THE MATTER OF:

BRIG ANURAG KHANNA

.....Petitioner

Through: Mr. Akshay Bhandari, Mr. Mukul Dev, Mr. Ankit Rana, Advocates.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr Jagdish Chandra CGSC with Ms Maanya Saxena, Mr Sujeet Chaudhary, Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G E M E N T

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The matter was earlier called out on 12.02.2026 and the respondent-Union of India ('UOI') was directed to take instructions for suggesting appropriate condition which can be imposed to secure the presence of the petitioner.

2. The respondent-UOI has suggested various conditions. The petitioner is agreeable to almost all the conditions except condition no.2.1, 2.2 and 2.7. The proposed conditions placed on record by UOI are extracted as under:



“2.1 Undertaking. The petitioner shall deposit original title deeds of properties bearing nos. E-1002, Sispal Vihar, Sector 49, Gurugram and 602, Aster CHS, Oshiwara, Andheri, West Mumbai, which are jointly owned by the petitioner and his wife, as security with the Registrar General Delhi High Court/ Comdt, JAK RIF Regimental Centre. The security shall be accompanied by an undertaking submitted by the petitioner and also by petitioner’s wife, that there is no objection in case the afore-noted property is forfeited in the event of the petitioner violating any of the conditions imposed on the petitioner hereunder, as a pre-condition to travel/ in the undertaking to be submitted before the Registrar or Comdt, JAK RIF Regimental Centre, the petitioner and his wife shall also specifically undertake that they shall not alienate or mortgage the afore-noted property without permission of this Court subject to further orders.

2.2 Deposition of Original Deed. The petitioner shall deposit a copy of original title deed of commercial property bearing no. 603, Mayuresh Chambers, CBD Belapur, Navi Mumbai, which is jointly owned by petitioner and his two siblings (Mrs. Nupur Chopra and Mr. Himanshu Khanna), as security with the Registrar General Delhi High Court or Comdt, JAK RIF Regimental Centre. The security shall be accompanied with an undertaking by the petitioner and his share in the said property shall not be alienated or mortgaged, without permission of this Court, subject to further orders.

3.3 Disclosure Affidavit. The petitioner shall file a detailed affidavit disclosing his complete itinerary, including his stay at various locations abroad as well as telephone numbers and residential/ hotel addresses. He shall also file an undertaking that he shall strictly adhere to the itinerary mentioned in the affidavit and not visit any other stations. He shall also furnish a copy of the air tickets purchased by him before the Registrar General or Comdt, JAK RIF Regimental Centre.

2.4. The petitioner shall file an undertaking before the Registrar General or Comdt, JAK RIF Regimental Centre that he shall return to the country on or before a prescribed date. The petitioner shall intimate the Registrar General or Comdt, JAK RIF Regimental Centre before leaving as well as within 72 hours of his return from abroad.

2.5. The petitioner shall also provide to Comdt. JAK RIF Regimental Centre the contact numbers where he shall be available during his stay abroad and at least one of the said contact numbers shall be kept operational at all times, subject to all fair exceptions, including the period he is on board the aircraft.

2.6. The petitioner shall file a self-attested copy of his passport to the Court, along with a copy of the visa, on his return to India before the Comdt, JAK RIF Regimental Centre.

2.7. The petitioner shall report to the Comdt, Base Hospital Delhi Cantt. every week on Monday at 1200 hrs.



2.8. *In case of any of afore-noted conditions are violated, the security shall be forfeited. The same shall also be treated as egregious and willful disobedience of the order/s passed by this Hon'ble Delhi High Court."*

3. It be noted that the petitioner retired from service on 31.10.2021 i.e., before opening of the Look Out Circular (*hereinafter 'the LOC'*). He has been paid full pension and gratuity. The proceedings of General Court Martial ('GCM') against the petitioner have been adjourned *sine die*, in view of the stay granted by the Division Bench of this Court *vide* its decision dated 17.06.2022 passed in W. P. (C) 9528/2022. The respondents desire the presence of the petitioner in the said proceedings to take them to their logical conclusion, however, there is no direct evidence to sustain any apprehension of the petitioner absconding.

4. The petitioner submits that his son is residing in Canada and therefore, he frequently visits Canada. He submits that his wife, who is also a retired Officer of the Indian Army and a pensioner, resides in India. He also has movable and immovable assets in India.

5. Under the aforesaid facts and circumstances, it is pertinent to note that this Court in the case of *Vineet Gupta v. Union of India & ors*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

¹ 2026 :DHC:1616

² (1978) 1 SCC 248

³ 2010 SCC OnLine Del 2699

⁴ 2024 SCC Online Bom 1195



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 decision in **Vineet Gupta** 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 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.”

6. Having considered the submissions made by the parties, this Court finds that the purpose of issuance of the LOC has been sufficiently served. There is no periodical review of the same. The proceedings which are the subject matter of the LOC remained stayed as per the directions of the Court. The LOC is, therefore, set aside subject to the compliance of the following terms and conditions:

- (i) The petitioner shall deposit the original title deeds of property bearing No. E-1002, Sispal Vihar, Sector-49, Gurugram. before the Commandant, Jammu and Kashmir Rifles (JAK RIF) Regiment Centre, Delhi (*hereinafter “the Department”*) at the Registrar, Base Hospital, Delhi Cant.
- (ii) He shall undertake by way of an affidavit before the said Department that he shall appear as and when he is called for. The respondent-Department shall at least give 10 days’ time in



notice for appearance of the petitioner.

- (iii) The petitioner shall furnish the permanent address as well as E-mail address and any notice sent on the said E-mail address shall be treated to be service upon the petitioner. It shall be the responsibility of the petitioner to keep his E-mail address alive and operational.
- (iv) The petitioner shall not create any third party right on the aforesaid property by any manner whatsoever without the leave of the concerned Department. The petitioner shall also disclose all his immovable assets which he owns and possess by way of an affidavit.
- (v) The petitioner shall not leave India unless he furnishes advance itinerary along with affidavit before the respondent-Department, at least 10 days prior to the proposed travel. He shall also report back to the Department after completion of his travel. The reporting shall take place within 72 hours from the landing in India.
- (vi) The petitioner shall report to the Registrar, Base Hospital Delhi, Delhi Cantt. at an interval of three months between 1st to 10th date of the month at 12:00 hours.
- (vii) For any communication to be made by the petitioner to the respondent, the same may be made through email at uchoudhary.103k@gov.in, which is the Email ID supplied by the learned counsel for the Department during the course of the hearing.

7. On compliance of the directions passed by the Court, it is directed that



the respondents to intimate all concerned bodies/authorities/banks etc., regarding the closure of the LOC.

8. Liberty is granted to the respondent to re-open the LOC in case the petitioner violates any of the aforesaid conditions.

9. With the aforesaid directions, the petition, along with pending applications, stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

MARCH 12, 2026/aks/ss/ksr