



2026:DHC:8294



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

Date of decision: 24.09.2026

CNR No. DLHC010459332026

+ W.P.(CRL) 3004/2026 & CRL.M.A. 29972/2026

RAJNISH GUPTAPetitioner

Through: Mr. Karan Suneja, Advocate.
versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Rajesh Kumar, SPP, CBI
with Mr. Changez Khan,
Advocate.

41.

CNR No. DLHC010459362026

+ W.P.(CRL) 3005/2026 & CRL.M.A. 29977/2026

NISHA GUPTAPetitioner

Through: Mr. Karan Suneja, Advocate.
versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Rajesh Kumar, SPP, CBI
with Mr. Changez Khan,
Advocate.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

RAVINDER DUDEJA, J. (ORAL)

CRL.M.A. 29973/2026 (exemption) in W.P.(CRL) 3004/2026 and

CRL.M.A. 29978/2026 (exemption) in W.P.(CRL) 3005/2026

Allowed, subject to all just exceptions.

These applications stand disposed of.



W.P.(CRL) 3004/2026 and W.P.(CRL) 3005/2026

1. The present petitions have been filed under Article 226 of the Constitution read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [**“BNSS”**], seeking suspension of the condition imposed *vide* order dated 30.04.2024, passed by the learned Trial Court in CBI Case No. CBI/65/2023, arising out of RC No. 2202022E0001, whereby, while rescinding the Look Out Circular [**“LOC”**] issued against the petitioners, the learned Trial Court directed that the petitioners shall not leave the country without obtaining its prior permission.
2. The CBI registered RC No. 2202022E0001 on the complaint of Punjab National Bank, concerning allegations of cash-credit facility extended by the bank to M/s Skyworld Exim.
3. The investigation culminated in filing of the charge sheet dated 31.03.2023 under Sections 120-B/420/468/471 IPC against the petitioner Rajnish Gupta. A supplementary charge sheet dated 23.06.2023 was thereafter filed against petitioner Nisha Gupta. The petitioners were not arrested during investigation. Cognizance has yet not been taken and the petitioners are yet to be summoned.
4. During investigation, an LOC was opened against the petitioners. Petitioners challenged the LOC before the learned Trial Court. *Vide* order dated 30.04.2024, the learned Trial Court found continuation of the LOC unjustified and rescinded the same. However, it directed that the petitioners shall not leave the country without prior permission of the Court.



5. Issue notice. Notice accepted by the learned SPP, who appears for the CBI.
6. Since the petitions involve a short question for consideration, the matter is taken up for hearing with the consent of both sides.
7. Learned counsel for the petitioners submits that the investigation is complete, the charge-sheet was filed without arrest, cognizance has not been taken and no summons have been issued. It is contended that there is no subsisting bail condition restricting foreign travel and that the impugned condition amounts to a continuing restraint on the petitioner's right to travel abroad guaranteed under Article 21 of the Constitution. Reliance is placed upon judgment of this Court in ***Karti P. Chidambaram Vs. Central Bureau of Investigation***, BAIL APPLN. 573/2018 to argue that the object of a condition requiring prior permission for foreign travel, is to secure the presence of the accused and, where circumstances so warrant, the same may be achieved by requiring prior intimation instead of prior permission.
8. Learned SPP for the CBI opposes the application, submitting that the condition was imposed to secure the petitioner's availability during the criminal proceedings. It is contended that the allegations involve serious economic offences and that the requirement of prior permission constitutes a reasonable safeguard against the petitioners evading the proceedings. Reliance is placed upon Supreme Court's judgment in ***Seesa Santosh Vs. State of Telangana and Anr.***, 2026 SCC Online SC 1071.



9. The Court has considered the submissions and has perused the material on record.

10. The material placed before the Court indicates that cognizance has yet not been taken and no summons have been issued to the petitioners and charge sheet has been filed against them without arrest. There is no material on record suggesting any non-cooperation or default on their part.

11. Significantly, while rescinding the LOC, the learned Trial Court itself recorded that the petitioners had joined investigation and that issuance of the LOC was not justified. The continued requirement of obtaining prior permission for every foreign visit, therefore, calls for examination, particularly when there is presently no subsisting bail condition requiring such permission.

12. The right to travel abroad forms part of personal liberty under Article 21 of the Constitution. Restrictions upon such liberty may undoubtedly be imposed where warranted by law and necessary to secure the presence of an accused. However, the restriction must be reasonable in connection with the purpose.

13. In the present case, the petitioners were not arrested during investigation, charge sheet has already been filed, cognizance is yet not taken and no default on their part is shown. Having observed so, while rescinding the LOC, there was no occasion with the Trial Court to impose any condition and thus, the requirement of obtaining prior permission for every foreign visit during pendency of the trial, cannot be sustained.



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14. The continued imposition of the condition requiring prior permission for each travel may cause procedural hardship and undue restriction on the liberty of the petitioner, despite there being no instance of misuse of liberty. Such condition, therefore, cannot be sustained.

15. Accordingly, the condition in the order dated 30.04.2024 requiring the petitioners not to leave the country without prior permission is modified to the extent that petitioners shall be required to intimate/inform the learned Trial Court and the investigating agency/respondent of his full travel itinerary, duration of travel, place(s) of stay and contact details at least two weeks prior to each foreign travel. At the same time, they shall remain available to participate in the proceedings as and when required and shall not seek adjournment on account of such travel.

16. The other directions contained in order dated 30.04.2024 shall remain unaffected.

17. It is clarified that the present order has been passed in the peculiar facts of this case and may not be treated as a precedent.

18. The petitions along with the pending application(s) accordingly stand disposed of in the above terms.

RAVINDER DUDEJA, J

SEPTEMBER 24, 2026/AK