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

+ **W.P.(C) 14459/2023**

RUHI ARORA

..... Petitioner

Through: **Mr. Anish Dhingra and Mr. Rupinder Oberoi Dhingra, Advocates.**

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: **Mr. Vineet Dhanda, CGSC for R-1 to R-3.**

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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06.11.2023

CM APPL. 57354/2023 (Exemption)

Allowed, subject to all just exceptions.

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1. The Petitioner has approached this Court seeking quashing of the Office Memorandum dated 16.10.2023 and 30.10.2023 basis which the permission sought by the Petitioner to travel abroad for the purpose of her honeymoon has been rejected.
2. The facts on record reveal that the Petitioner was arrested by CBI on 28.07.2023 for offences under Section 7, 7A, 8, 9, 10, 12 of the Prevention of Corruption Act read with Section 120B IPC. Thereafter, she was granted bail by the Trial Court on 19.08.2023.
3. In the present petition it is stated that the Petitioner wants to travel

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abroad from 29.11.2023 to 14.12.2023 for the purpose of her honeymoon.

4. Further, the record indicates that the Petitioner had approached the Trial Court and was granted regular bail vide Order dated 19.08.2023 on the following conditions:-

“1. Applicant / accused shall not directly or indirectly contact any witness of the case.

2. She shall join the investigation as and when required by the CBI.

3. Accused shall not leave the country without permission of the court.

4. The accused shall surrender her passport before this court.

5. The accused would regularly attend the trial.”

5. Since the Petitioner had surrendered her passport and there was a restriction on her to travel abroad, she approached the Trial Court seeking permission to travel to Singapore and Indonesia for the purpose of her honeymoon. The said application was allowed by the Trial Court on 07.10.2023 and the Petitioner was permitted to travel to Singapore and Indonesia on the following conditions:-

“1. Applicant shall furnish security in the form of FDR/bank guarantee for a sum of Rs.2 Lakhs (Two Lakhs Only) in the name of court i.e. Principal District & Sessions Judge-cum-Special Judge, CBI (PC Act), Rouse Avenue District Courts, New Delhi.

2. Her surety /Ld. Counsel will undertake to accept notice(s), if any, on behalf of the accused in her absence.



3. Neither she nor her counsel will object to the carrying of the trial/ inquiry during the absence of applicant.

4. Applicant shall furnish her complete travelling itinerary of the countries i.e. Singapore, Bali and Indonesia and addresses of her stay in these countries.

5. Applicant shall return her passport after returning from journey.

6. In case of any of the above conditions are violated, the bank guarantee/FDR shall be forfeited to the State.”

6. After getting the permission to travel from the Trial Court, the Petitioner approached the Respondent by way of an application seeking permission to travel abroad and the same was rejected by the Respondent vide the OM impugned in the present writ petition.

7. Mr. Vineet Dhanda, learned CGSC, vehemently opposes the application of the Petitioner to travel abroad contending that the Petitioner is accused of serious economic offence inasmuch as she is accused of taking bribe. He states that permission to go abroad does not warrant any consideration in view of the crime committed by the Petitioner and it is always open for the Petitioner to travel inside the country for her honeymoon.

8. It is trite law that right to travel abroad is a facet of Article 21 of the Constitution of India. The Apex Court in Maneka Gandhi v. Union of India & Anr., **1978 (1) SCC 248**, observed as under:-

“48. In Satwant Singh Sawhney v. D. Ramarathnam,



Assistant Passport Officer Government of India, New Delhi [(1967) 3 SCR 525 : AIR 1967 SC 1836 : (1968) 1 SCJ 178] this Court ruled by majority that the expression “personal liberty” which occurs in Article 21 of the Constitution includes the right to travel abroad and that no person can be deprived of that right except according to procedure established by law. The Passports Act which was enacted by Parliament in 1967 in order to comply with that decision prescribes the procedure whereby an application for a passport may be granted fully or partially, with or without any endorsement, and a passport once granted may later be revoked or impounded. But the mere prescription of some kind of procedure cannot ever meet the mandate of Article 21. The procedure prescribed by law has to be fair, just and reasonable, not fanciful, oppressive or arbitrary. The question whether the procedure prescribed by a law which curtails or takes away the personal liberty guaranteed by Article 21 is reasonable or not has to be considered not in the abstract or on hypothetical considerations like the provision for a full-dressed hearing as in a courtroom trial, but in the context, primarily, of the purpose which the Act is intended to achieve and of urgent situations which those who are charged with the duty of administering the Act may be called upon to deal with. Secondly, even the fullest compliance with the requirements of Article 21 is not the journey's end because, a law which prescribes fair and reasonable procedure for curtailing or taking away the personal liberty guaranteed by Article 21 has still to meet a possible challenge under other provisions of the Constitution like, for example, Articles 14 and 19.”

9. The short issue that arises for consideration is whether when there is a pending Vigilance Inquiry, can the Petitioner be restrained from travelling



abroad or not. This Court is of the opinion that a Vigilance Inquiry cannot be an impediment for the Petitioner to travel abroad. The Petitioner would be available for Vigilance Inquiry after she comes back from her honeymoon. It is not an imminent threat that the Petitioner will not come back to the country. In the interest of justice, the Petitioner is permitted to travel abroad on the conditions imposed by the Trial Court and also subject to the following conditions:-

- i. The Petitioner shall furnish security to the tune of Rs.5,00,000/- in the form of Fixed Deposit to the satisfaction of the learned Registrar.
- ii. That Petitioner shall furnish a detailed affidavit disclosing the detailed itinerary, including her stay at various stations abroad, telephone numbers and residential/hotel addresses. The Petitioner shall also file an undertaking that she shall adhere to the itinerary mentioned in the affidavit and not visit any other stations.
- iii. The Petitioner will also provide the contact numbers that she will use during the period she stays abroad, and at least one of the said contact numbers will be kept operational at all times, subject to all exceptions, including the period she is on board the aircraft.
- iv. The Petitioner shall intimate this Court before leaving and within 72 hours of her return from abroad.
- v. That Petitioner will file a self-attested copy of his passport along with a copy of his visa in the Court on her return to India.
- vi. The permission to travel abroad given in this order shall be



subject to other applicable conditions and will not be deemed as a direction to any other authority.

- vii. In case any of the above conditions are violated, the security amount will be forfeited.
10. The petition is disposed of along with pending application(s), if any.
11. List before the learned Registrar on 20.11.2023.

SUBRAMONIUM PRASAD, J

NOVEMBER 6, 2023

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