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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 2014/2024 & CRL.M.A. 31146/2024

SHRI NISHANT KAPOORPetitioner

Through: Appearance not given.

versus

STATE OF NCT DELHI & ORS.Respondents

Through: Mr. Jagdish Chandra, CGSC, UOI
with Mr. Shubham Kumar Mishra
(Adv). (M:8512841934) **(Not Present)** Mr. Sajal Manchanda,
Adv. for R-6.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DHARMESH SHARMA

ORDER

% **17.02.2025**

1. This hearing has been done through hybrid mode.
2. On 5th November, 2024, upon the submission of Id. CGSC, the Court had granted the Union of India (Ministry of External Affairs) to file an affidavit in respect of what steps can be taken to ensure the presence of Ms. Harpreet Kaur and the minor child - Master 'P'. Thereafter, on 19th December, 2024 the Court had again granted time to the Union of India to file the affidavit. The relevant paragraphs of the said order are as under:

“2. On the last date of hearing i.e., 5th November, 2024, the Id. CGSC, had sought time to file an affidavit as to what steps can be taken to ensure the presence of Ms. Harpreet Kaur and the minor child, Master 'P'.

3. Today, Mr. Kaushal Kait, Id. Counsel appearing for the Department submits that he has received instructions and that he would like to file an affidavit in respect of the same.



4. Let the affidavit be filed within two weeks and if the Petitioner wishes to respond to the same, let the rejoinder be filed within two weeks thereafter.”

3. The Union of India has not filed the said affidavit despite repeated directions from the Court. The matter was called in the morning and none appeared for the Union of India. Accordingly, it was passed over for post lunch. However, even on the second call, none has appeared for the Union of India.

4. The facts of the case are concerning and of serious nature as the minor child has been taken outside the country on the basis of a passport procured on false information.

5. Under these circumstances, let a competent official of Ministry of External Affairs, not below the rank of Deputy Secretary, remain present in the Court on the next date of hearing.

6. The Petitioner wishes to file some additional documents. Let the same be done within four weeks.

7. Let a copy of this order be communicated to the Secretary, Ministry of External Affairs, through Mr. Jagdish Chandra, Id. CGSC, (M:9910385880) for necessary information and compliance.

8. List on 21st March, 2025.

PRATHIBA M. SINGH, J.

DHARMESH SHARMA, J.

FEBRUARY 17, 2025/dk/ms