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2026:DHC:9891

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

% ***Date of Decision: November 03rd, 2026***

\# **CNR No. DLHC010074352026**

\+ **W.P.(C) 2683/2026**

CHARNJIT SINGH BAINS .....Petitioner

Through: Dr. Anand Duggal, Adv. through V.C.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Mr. Amit Tiwari, CGSC with Ms. Ayushi Srivastava, Mr. Kushagra Malik, Mr. Arpan Narwal & Mr. Ujjwal Tyagi, Advs. for UOI.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

W.P.(C) 2683/2026, CM APPL. 76242/2026 (*for int. permission to the petitioner to travel to and enter India on humaintarian & medical ground*) & **CM APPL. 76243/2026** (*exemption*).

1. With the consent of the parties, the petition is taken up for final hearing today.

2. Briefly stated, the petitioner is a person of Indian origin holding a foreign passport and holding an Overseas Citizen of India (OCI) Card issued on 15.11.2024.

3. On 07.01.2026, upon arriving at Indira Gandhi International Airport, New Delhi, the petitioner was served with an order dated 07.01.2026, under Paragraph 6 of the Foreigners Order, 1948, refusing him permission to land in India and directing him to leave by the first

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available flight.

4. The learned counsel for the petitioner submits that the order dated 07.01.2026 is non-speaking, discloses no reasons or grounds for refusal of entry and was passed without any prior notice or opportunity of hearing. He further submits that his OCI registration has neither been cancelled nor suspended under Section 7D of the Citizenship Act, 1955.

5. He submits that it was only disclosed during the present proceedings that the petitioner has been blacklisted from entering the country on account of being a registered child sex offender.

6. It is contended that certain criminal proceedings were initiated against the petitioner in the United States in 2019, which culminated in a plea of no contest in October 2022 and grant of probation without custodial imprisonment. He contends that the said proceedings did not involve any child/minor and he was subsequently granted permission by the competent foreign authorities to travel to India on 15.12.2025.

7. The learned counsel for Respondent No.2 submits that the petitioner has been blacklisted from entering the country on account of the petitioner being a registered child sex offender. He submits that Office Memorandum dated 29.03.2023 provides that a person can be blacklisted if he is a convicted child offender. He further submits that the decision to blacklist an individual is within the sovereign domain of the State and that no foreign national can claim entry into or residence in India as a matter of right.

8. At the outset it is pertinent to note that the refusal of entry into the country is a sovereign function of the State that is embedded in considerations of national security, foreign policy and administrative

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discretion. Section 3 of the Foreigners Act, 1946 [now repealed] as well as Section 7 of the Immigration and Foreigners Act, 2025 authorises the Central Government to make provisions, either generally or with respect to all foreigners, for prohibiting, regulating or restricting the entry of foreigners into India or, their departure therefrom or their presence or continued presence therein. The respondent authorities can therefore or rather are entitled to take into consideration all the relevant factors that may warrant scrutiny.

9. The respondents have contended that the petitioner has been blacklisted from entering the country as he is a registered child sex offender in the United States of America. The material forming the basis of such blacklisting is confidential and classified in nature and therefore, cannot be provided to the petitioner in the interest of security and integrity of the country.

10. At this juncture, it is pertinent to note that the Hon'ble Apex Court in the case of ***Hans Muller Of Nurenburg vs Superintendent, Presidency*** **: 1955 SCR (1) 1284** had categorically noted that the Foreigners Act, 1946 vested the Central Government with an absolute and unfettered discretion and since there is no provision fettering this discretion in the Constitution, an unrestricted right to expel remained.

11. It is pertinent to note that the petitioner does not dispute the criminal proceedings initiated against him in the United States or the fact that the same culminated in a plea of no contest and a sentence of probation. His only contention is that the proceedings did not involve a child or minor.

12. In the opinion of this Court, once the respondents have received

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information that an individual has been involved in a crime of such nature in a foreign country, they are well within their rights to prevent such a person from setting foot on Indian soil.

13. The jurisdiction exercised by this Court under Article 226 of the Constitution of India is extraordinary and discretionary. In the opinion of this Court, the petitioner has failed to put forth any circumstance warranting exercise of such jurisdiction.

14. The petition is accordingly dismissed.

15. Pending applications also stand disposed of.

16. The date already fixed stands cancelled.

AMIT MAHAJAN, J

NOVEMBER 3, 2026
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