

119
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-45749-2016(O&M)
Date of Decision: 13.02.2017**

Pritpal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

--

Present: - Mr. Anil Chawla, Advocate
for the petitioner.

-

HARINDER SINGH SIDHU, J.

A complaint under Section 138 of the Negotiable Instruments Act, 1881 was filed against the petitioner with the averment that a cheque of ₹1 lac given by him was dishonoured. The trial regarding the same is pending in the Court of Judicial Magistrate 1st Class, Amritsar. The petitioner did not appear before the trial Court on 15.09.2016, with the result his bail bonds and surety bonds were cancelled and forfeited to the State and he was ordered to be summoned through non-bailable warrant of arrest for 05.10.2016. Apprehending arrest, he filed an application for anticipatory bail contending that his non-appearance was not intentional but on account of his suffering from viral fever. The application was allowed vide order dated 3.10.2016 of the Sessions Judge, Amritsar. The petitioner was directed to surrender before the trial Court and be released on bail thereupon. It was also directed that the petitioner would deposit his

passport in the Court.

The petitioner is aggrieved of the condition of the bail order requiring him to deposit his passport in Court.

Learned counsel for the petitioner contends that the petitioner is a tourist planner and has to frequently travel to various countries in connection with his work. Without the passport, his livelihood would be affected as he would be unable to go abroad. Accordingly, he prays that the said condition of the bail order requiring him to deposit the passport be set aside.

I see no illegality in the order requiring interference. The direction to deposit the passport appears to have been given in the light of the fact that the petitioner had absented himself earlier and to ensure his presence to face trial.

The petitioner has only raised an apprehension that because of the condition he would not be able to go abroad in connection with his work. On pointed query as to whether he has ever approached the concerned Court for release of the passport to enable him to travel abroad he answered in the negative. He only argued that if he is required to move such an application every time he needs to go abroad, it may not be decided in time for him to travel abroad. I feel this apprehension is totally misconceived.

There should be no doubt that whenever the petitioner moves such an application, it would be considered and disposed of expeditiously considering that right to travel abroad is encompassed in the right to liberty

guaranteed under Article 21 of the Constitution of India.

Thus, while not interfering with the order, this petition is disposed of by observing that if the petitioner needs to go abroad for any purpose, it would be open to him to move an application before the trial Court. If such an application is filed, the trial Court would consider the request in the light of the Constitutional right of the petitioner to travel abroad.

February 13, 2017

Atul

**(HARINDER SINGH SIDHU)
JUDGE**

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No