

132 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42836-2021
Decided on : 11.10.2021

Daljit Singh Pandher

..... Petitioner

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S.Gill, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

The petitioner by way of instant petition has impugned the order dated 06.09.2021 (Annexure P-6) vide which his application seeking permission to go to Canada for one year was dismissed by the trial Court.

Learned counsel for the petitioner inter alia contends that due to the pendency of a criminal case (FIR No.24 dated 05.03.2019 under Sections 498-A and 406 IPC registered at Police Station Payal District Ludhiana) he has not only been unable to join his job at Canada but also has been unable to meet his family since December, 2018. While placing reliance upon the judgment of this Court in *Arun Kapoor vs. State of Haryana, 2004(4) RCR (Crl.) 594* and *Anjal Kumar @ Angel Kumar vs. State of Punjab and another, 2010(1) RCR (Crl.) 201* learned counsel submits that it is a cardinal principal that every person is deemed to be innocent till proven guilty and thus, his fundamental right to travel abroad cannot be curtailed merely because of the pendency of a criminal case against him.

Heard learned counsel and perused the material available on record including the case laws on which he has placed reliance.

A perusal of the impugned order reveals that though the petitioner is seeking permission to go to Canada for joining back his work, however, he has not placed on record any supporting document to show that he was actually employed in Canada. Not only this, trial Court rightly observed while dismissing his application (Annexure P-6) that his absence for one year would result in the delay of the trial since evidence had not yet commenced.

The right of a person to travel admittedly cannot be curtailed. However, if the person is seeking to travel that too outside India, during the pendency of a criminal case against him, the Court shall have to be even more circumspect while granting any such permission. Coming to the case in hand, it would be apposite to observe that since the petitioner is a Canadian citizen, his assertion that he should be permitted to travel abroad is devoid of any merit as India too is a foreign country for him and there could be a likelihood that in case the petitioner is permitted to travel to Canada he may abscond.

In the aforesaid circumstances, this Court is not inclined to invoke its inherent jurisdiction under Section 482 Cr.PC. Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

11.10.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No