

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-32313-2019

Reserved on : 18.5.2023

Date of Decision: 19.5.2023

Amandeep Singh Bedi

....Petitioner

VERSUS

State of Haryana and another

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Argued by: Mr. Gautam Dutt, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Present petition has been filed by the petitioner seeking release of his passport which is lying attached with judicial file of criminal case having FIR No.40 dated 18.2.2015 registered under Sections 420, 465, 467, 468, 120-B IPC at Police Station Sushant Lok, District Gurugram.

2. Counsel for the petitioner has *inter alia* submitted that in the aforesaid criminal case, the petitioner was granted regular bail by the Court of Additional Sessions Judge, Gurugram vide order dated 19.9.2018 whose copy is taken on record. He has further argued that under the said bail order, there was no direction to the petitioner to surrender his passport. However, the passport of the petitioner was taken into its custody by the police and later on, attached with the challan submitted under Section 173 of Cr.P.C.. He has further contended that the trial is going on and already, 5 prosecution witnesses are examined and the petitioner is regularly appearing before the trial Court. He has further submitted that the minor daughter of

the petitioner namely Shaliya Bedi was earlier getting treatment from Dr. Hamza Alsayouf at Saudi German Hospital, Dubai, UAE. He has further submitted that the passport of the petitioner is required for purpose of renewal of passport of her minor daughter. It is further submitted that the police is having no objection if the passport of the petitioner is released as is evident from Annexure P-9. Counsel for the petitioner has further given undertaking that in case the petitioner is to go abroad for business purpose or for medical check up of her minor daughter, he will obtain separate permission from the learned trial Court as per his requirement. So, prayer is made that the passport of the petitioner be released for the aforesaid purpose.

3. Present petition is resisted by the State counsel who submits that earlier the petitioner was declared as proclaimed person and if his passport is released, he would again abscond. However, the State counsel has not disputed the fact that after completion of investigation, challan has been presented and now the trial has commenced and that the petitioner is regularly appearing in the learned trial Court and that there was no direction to the petitioner from any Court to surrender his passport when the petitioner was granted bail.

4. I have considered the submissions made by the counsel for the parties.

5. It appears that the petitioner requires his passport for getting renewed passport of his minor daughter who earlier was getting treatment from Dubai and now her passport has been expired as is evident from Annexure P-5. Further, there was no direction given to the petitioner to surrender his passport when the petitioner was granted regular bail by the

Court concerned vide order dated 19.9.2018.

6. It is now well settled that if the person facing a criminal trial, has a fundamental right to travel abroad which is subject to reasonable restrictions. It being so, the present petition is disposed of and the trial Court is directed to release the original passport of the petitioner for purpose of renewal of passport of her minor daughter Shaliya Bedi but the petitioner has to take separate permission from the learned trial Court as and when he is to go abroad for medical check up of his minor daughter or in connection with his business.

(KARAMJIT SINGH)
JUDGE

May 19, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No