



253 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26088-2024
Date of decision: 30th May, 2024

Devender Jain

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anoop Verma, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed by the petitioner under Section 482 of Cr.P.C. making a prayer for granting permission to him to go Dubai for a period of fifteen days i.e. w.e.f. 05.06.2024 to 20.06.2024 and again for another fifteen days starting from 20.08.2024 to 05.09.2024 for the purpose of attending some business meetings. The petitioner has been booked for commission of offences punishable under Sections 376(2)(n), 180 and 506 of IPC in case arising out of FIR No. 80 dated 15.03.2019 registered at Police Station Sushant Lok, Gurugram. He had filed a petition bearing No. CRM-M-21367 of 2019 seeking anticipatory bail. He was directed to join investigation vide order dated 06.07.2021 and the interim



bail order was made absolute on 30.03.2022 (Annexure P-3). It is submitted that thereafter, the petitioner had filed another petition CRM-M-41310-2022 seeking quashing of the aforementioned FIR. The said petition is pending before a Co-ordinate Bench of this Court. Vide order dated 09.09.2022 (Annexure P-4), the proceedings of the aforementioned FIR as pending before the trial Court were ordered to be stayed. Now the aforementioned case is fixed for 24.09.2024.

2. It is submitted by learned counsel for the petitioner that the petitioner is running a firm of Chartered Accountancy. He is a shareholder and financial advisor of a company at UAE and in that capacity, he had been invited by the said company at Dubai for the business meetings which are to be held on the aforementioned dates. It is submitted that previously also he had gone to Dubai for ten days and a petition filed by him for granting him permission to travel had been allowed vide order dated 03.07.2023 passed in CRM-M-30233-2023 (Annexure P-6). It is, therefore, prayed that permission may be granted to him for travelling abroad for the above mentioned dates. He has also placed on record a copy of letter dated 01.05.2024 issued by M/s Vas Tech Ecosystem Pvt. Ltd. Company calling upon him to attend its business meetings for the aforementioned scheduled dates.

3. Learned State counsel has submitted that he has no objection, if the permission to allow to travel abroad is given to the petitioner on furnishing of an undertaking before the trial Court.



4. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

5. The proceedings of the FIR which is the subject matter of this case are lying stayed in pursuance of order dated 09.09.2022 passed in CRM-M-41310-2022, the hearing of which is fixed before Co-ordinate Bench of this Court for 24.09.2024. The petitioner wants to travel abroad for the purpose of attending business meetings. It is well settled proposition of law that an accused has the right to travel abroad and cannot be deprived of this right except in accordance with procedure prescribed by law. Denying such a right amounts to putting unreasonable restrictions on fundamental right of an accused to free movement including his right to go abroad, especially when he has to go for the purpose of his livelihood. The petitioner has travelled to Dubai previously also as revealed from the record. He is ready to comply with the conditions imposed by this Court for the purpose. Therefore, keeping in view the above discussed facts and circumstances, I allow this petition and the petitioner is permitted to go abroad i.e. Dubai for the aforementioned two schedules i.e. from 05.06.2024 to 20.06.2024 and 20.08.2024 to 05.09.2024, subject to the condition that he will furnish personal as well as surety bonds to the extent of Rs. 3,00,000/- before the Learned trial Court thereby ensuring his return and appearance before the Learned trial Court as and required and that he would not change his mobile



number.

6. It is made clear that failure to comply with the abovesaid conditions would entail necessary consequences of dismissal of the present petition.

[MANISHA BATRA]
JUDGE

30th May, 2024
Parveen Sharma

- | | | |
|-------------------------------|---|-----|
| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |