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

**CRM-M-12742-2025
Reserved on 05.09.2025
Pronounced on 09.09.2025**

ANAND

..... PETITIONER

VERSUS

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

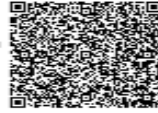
Present : Mr. Nikhil Ghai, Advocate for
Mr. Nipun Bhardwaj, Advocate
for the petitioner.

Ms. Deepali Verma, Asstt. A.G. Haryana.

Mr. Kumesh Dandyan, Advocate for
Mr. Pankaj Mehta, Advocate
for the complainant.

SURYA PARTAP SINGH. J.

1. By invoking the inherent jurisdiction vested in this Court by virtue of Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter referred to as “BNSS”, the present petition has been filed by the petitioner for quashing of order dated 13.08.2024, whereby the learned Additional Sessions Judge, Hisar dismissed the application of petitioner seeking for permission to go abroad to pursue higher study.
2. In nut-shell the facts emerging from the record are that the petitioner is facing a prosecution for the commission of offence punishable



under Sections 147, 149, 323, 324, 379, 379-B and 506 of IPC and Sections 3(2) and 3(2)(va) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act 1989.

3. With regard to above mentioned prosecution, the petitioner is on bail by virtue of order dated 22.06.2023, passed by learned Additional Sessions Judge, Hisar. It is a claim of the petitioner that he is 21 years old and pursuing his study. According to petitioner after passing 12th class, he has cleared IELTS test and wants to go abroad for further studies. According to petitioner, the International University of Applied Sciences Berlin (Germany) has offered for his admission in B.Sc. Computer Science course, and that the total duration of the above mentioned course is 36 months. According to petitioner, he moved an application before the learned trial Court for permission to go abroad but by virtue of order dated 13.08.2024, the same has been declined.

4. Heard.

5. It has been contended on behalf of petitioner that petitioner is a young boy pursuing his study, and that denial of chance to go abroad for further studies will shatter all his future prospects, amounting to denial of fundamental right to build up his career. As per learned counsel for the petitioner, the petitioner has clean antecedents and that he is ready to furnish heavy surety as a guarantee for participation in the judicial proceedings. According to learned counsel for the petitioner, the learned trial Court has failed to look into the relevant aspect of the present case and simply founded its finding on the plea of prosecution, that there is an apprehension that accused may not return to India to face trial. As per learned counsel for the petitioner the above mentioned observations of learned trial Court are unfounded against the settled



principles of law and therefore, there is need for indulgence and interference of extraordinary jurisdiction of this Court in the impugned order.

6. The learned State counsel assisted by learned counsel for the complainant have controverted the above mentioned arguments. As per learned State counsel, and learned counsel for the complainant, the accused is involved in the commission of an offence of serious nature and that there is every apprehension of his running away from the legal process, if allowed to go abroad. According to learned State counsel, the learned trial Court has adopted a right view while declining the application seeking for permission to go abroad, and that there is no scope for interference or indulgence in the above mentioned verdict of the learned trial Court.

7. The record has been perused carefully.

8. With regard to instant petition at the very outset it is relevant to mention here that Hon'ble Apex Court in the case of ***Satwant Singh Sawhney v. D. Ramarathnam, Assistant Passport Officer AIR 1967 SC 1836*** and in the case of ***Maneka Gandhi v. Union of India AIR 1978 SC 97*** has laid down that personal liberty guaranteed under Article 21 of the Constitution of India is widest amplitude including right to go abroad. As per Hon'ble Supreme Court of India a person cannot be deprived of his above said right except in accordance with procedure prescribed by law.

9. Similarly in the case of ***Jaspal Kaur Bhinder v. State of Punjab & Anr., CRM-M-40170-2020***, this Court observed that an accused has a right to travel abroad, though condition can be imposed to ensure his presence before the trial Court.



10. With regard to right of a person to go abroad, the Hon'ble Supreme Court of India in the case of ***Satish Chandra Verma v. Union of India and others 2019(2) SCT 741*** has observed that the right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship are humanities which can be rarely affected through refusal of freedom to go abroad and clearly show that this freedom is a genuine human right. In the above said judgment, there is a reference to the words of ***Justice Douglas in Kent v. Dulles 357 US 116*** which are as follows:

“Freedom to go abroad has much social value and represents the basic human right of great significance.

11. Similar question was dealt by the Hon'ble Supreme Court of India in the case of ***Srichand P. Hinduja v. State Through C.B.I, 2002 AIR Supreme Court 401***. In the above mentioned case, who were foreign Internationals (earlier Indian Nationals) were permitted to go abroad subject to condition of imposing stringent conditions to ensure their return and participation in criminal proceedings.

12. In the present case in order to substantiate his allegations that he has cleared IELTS exam, and also that he has an offer for admission in International University of Applied Sciences, Berlin (Germany), the photocopy result sheet of IELTS exam and the offer letter of the University have been placed on record, as Annexures P-3 and P-4. The perusal of abovesaid letter



reveals that for a course having duration of 36 months, the petitioner has been offered admission.

13. Here it shall not be out of place to mention that the denial of permission to go abroad is merely based upon the plea of prosecution that there is an apprehension that, if allowed to go abroad, the petitioner would not be available for trial and he would evade the course of law. With regard to above mentioned apprehension, it is relevant to mention that in order to procure presence the petitioner may be asked to furnish heavy surety, as a guarantee for return, and in addition to above, to prevent delay in disposal of trial he may be asked to furnish an undertaking to the effect that his appearance may be exempted and evidence may be recorded in his absence.

14. It is also relevant to mention here that the petitioner is a 21 years old young boy having a bright future and merely on the ground of apprehension of fleeing from the course of law, if the rights to pursue his study, and build-up career are denied, it will certainly have an adverse impact on his career, and may spoil his future. In fact it will be a travesty, as the reformation is an integral part of our Justice delivery system.

15. As a sequel to above mentioned observation merely on the basis of apprehension of prosecution the findings returned by the learned trial Court while refusing permission to the petitioner go abroad is not based upon sound legal principles and therefore, there is ample scope for interference and indulgence of extraordinary jurisdiction vested in this Court, in the findings returned by the learned trial Court.

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16. Since the impugned order is not sustainable in the eyes of law, the same deserves to be set aside. Hence by accepting the present petition, the impugned order dated 13.08.2024 is hereby set aside.

17. The learned trial Court is hereby directed to permit the petitioner to go abroad. However, it can impose severe conditions such as heavy surety to ensure participation of the petitioner in the trial, and may also ask for undertaking that the petitioner shall not object if the evidence is recorded in the absence of petitioner. Any other condition, if found appropriate, may also be imposed.

18. With the above mentioned directions, the present petition stands allowed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

09.09.2025*vipin*

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No