



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

CRM-M-64231-2024 (O&M)
Date of Decision:21.03.2025

Harpreet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. M.S. Rana, Advocate for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

Mr. Sandeep Sharma, Advocate for the complainant.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed, seeking issuance of directions for setting aside the impugned orders dated 28.10.2024 (Annexure P-2) and 29.11.2024 (Annexure P-3), passed by learned JMIC, Jalandhar, whereby the prayer of the petitioner for permanent exemption from personal appearance in Court and for permission to travel abroad for earning his livelihood has been dismissed.

2. On 07.01.2025, following order was passed:-

“Learned counsel for the petitioner has submitted that his first application for seeking permission to travel abroad was dismissed being vague because no dates were mentioned as to when the petitioner would be



leaving India for his employment in the Merchant Navy. He submitted that thereafter second application was filed in which necessary document was attached and alongwith that another prayer was made with regard to grant of permanent exemption. He submitted that the difficulty for not giving the exact date of employment is that it is only after the permission is granted by the Court that the necessary formalities will follow and the exact date can be known.

He also submitted that he has instructions to state that he would not press the present petition on the ground of seeking permanent exemption but presses only on the issue that for a specific period, he may be permitted to travel abroad because he is out of job for more than 1 ½ years.

Notice of motion for 23.01.2025.”

3. Today, learned counsel for the petitioner stated that he is confining his prayer only to the extent of seeking permission to travel abroad and is not pressing his prayer for permanent exemption from appearing in Court.

4. Learned counsel appearing for the petitioner submitted that it is a case where an FIR was lodged against the petitioner under Sections 498A and 406 of IPC by the respondent No.2-wife and the same was lodged at the time when the petitioner was not in India and was on the High Seas because he was working



with Merchant Navy on contract basis and thereafter when he returned from High Seas then he joined the proceedings before the Court. He was also granted bail by learned Sessions Court. Learned counsel further submitted that for the purpose of earning his livelihood, he is working as a Second Officer in the Merchant Navy. The work is purely private and contractual in nature and he works in different phases, i.e., when an agreement is made between the officers and the Merchant Navy firm on project basis, which is then carried out for a few months. He further submitted that, due to the pendency of the present trial against the petitioner, he is unable to earn his livelihood and to perform his duties after undertaking a contract. He also submitted that, although he earlier filed an application before learned Trial Court seeking permission to travel abroad, the same was dismissed vide Annexure P-2 on the ground of being a vague application. This was because, at the time when the permission was sought, no specific dates for going abroad and returning were provided and without such permission, this kind of agreement could not have been made. Subsequently, the petitioner filed a fresh application before learned Trial Court, which was also dismissed vide Annexure P-3. He further submitted that the difficulty in the present nature of employment is that a contract between the officer and the private enterprises operating the Merchant Navy companies can only be signed once the Court grants permission for traveling abroad for a specific period. He submitted that, to overcome this difficulty, the petitioner undertakes to file an affidavit before learned Trial Court specifying the exact dates of his departure and return, for a duration of only 5 to 7 months, so that he can complete his job and earn his livelihood. Upon the submission of such an



affidavit, learned Trial Court may be directed to grant permission in this regard, allowing the petitioner to earn his livelihood. He also submitted that the petitioner will return back on the stipulated date which he will mention in his affidavit which is to be filed before learned Trial Court in this regard and without depicting the exact date, no such permission may be granted to him.

5. On the other hand, learned State counsel submitted that the case is at the prosecution evidence stage, and in the absence of any specific date of departure, return and reporting to the Court, the petitioner could not be granted permission to travel abroad.

6. Learned counsel appearing on behalf of respondent No.2-wife submitted that once the petitioner's earlier application was dismissed, he could not have filed a second application in this regard. It was also argued that there is a likelihood that the petitioner may abscond if he is granted permission to travel abroad, even if it is for earning his livelihood.

7 I have heard the learned counsels for the parties.

8. It is a case where the trial is pending against the petitioner and the matter is at the prosecution evidence stage. The petitioner is stated to have worked for Merchant Navy companies prior to the filing of the present FIR. These Merchant Navy companies are private entities and specific contracts are executed between the companies and the officers for a stipulated period.

9. Learned counsel for the petitioner has apprised this Court that, in the absence of any permission from this Court, no company would execute any contract with the petitioner for taking up any further assignment, even for a stipulated period. At the same time, learned counsel for the petitioner has also

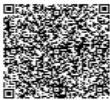


stated before this Court that the petitioner undertakes that, in case permission is granted to travel abroad for a specific period, he will furnish an affidavit before learned Trial Court specifying the exact date of departure and return to India, based on the contract that will be executed between the petitioner and Merchant Navy company after the permission is granted.

10. The petitioner is an under-trial and is seeking permission to travel abroad for the purpose of earning his livelihood. Learned counsel for the petitioner has also stated that the petitioner has an old-aged mother, who is a widow, residing with him in India, and there is no possibility that the petitioner will abscond. It is a settled law that Right to Travel Abroad is a Valuable Right.

11. After hearing learned counsels for the parties, this Court is of the view that the petitioner deserves the concession of grant of permission to travel abroad, subject to certain conditions. Consequently, the present petition is allowed. The impugned order (Annexure P-3) is hereby set aside. The petitioner is permitted to travel abroad, subject to the following conditions:

- i. The petitioner will furnish an affidavit before learned Trial Court specifying the exact date of his departure and return to India, and he will report back to the Court on a specific date. The total period of his stay abroad shall not exceed 7 months from the commencement of the contract.
- ii. The petitioner will also apprise learned Trial Court about the contract, if any, executed between the petitioner and the Merchant Navy company, based on which he will be permitted to travel abroad. In absence of such a contract,



the petitioner will not be permitted to travel abroad.

iii. On doing so, the petitioner shall make a fixed deposit of Rs. 10,00,000/- (Rupees ten lacs only) before the learned Trial Court. Upon his return on the stipulated date, as given by him, the same shall be refunded to him along-with interest.

12. Subject to the aforesaid conditions, learned Trial Court shall thereafter permit the petitioner to travel abroad.

13. In case the petitioner does not return to India and report to learned Trial Court on expiry of aforesaid maximum period of 07 months from the date of commencement of the contract, the aforesaid fixed deposit shall be forfeited, and learned Trial Court shall be at liberty to pass an appropriate order with regard to the aforesaid amount.

14. Present petition is allowed in the aforesaid terms.

(JASGURPREET SINGH PURI)
JUDGE

21.03.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No