



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

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CRM-M-21461-2026

Date of Decision: 22.04.2026

Asha Rani

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present: Mr. Manpreet Singh Bhatti, Advocate
for the petitioner.

Ms. Vashundhra Dalal Anand, Sr. DAG, Haryana.

NEERJA K. KALSON, J. (ORAL)

Learned counsel for the petitioner has made an oral request that State of Punjab has been inadvertently mentioned instead of State of Haryana in the memo of parties.

In view of the oral request, let the State of Haryana be read as respondent instead of the State of Punjab in the memo of parties. The Registry is directed to carry out the necessary correction in the memo of parties.

1. The present revision petition is directed against the order dated 24.03.2026 passed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri affirming the order dated 16.12.2025 of the learned Trial Court, whereby the application filed by the petitioner-accused seeking permission to travel abroad for medical treatment has been declined.

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2. The factual backdrop, as emerging from the record, is that the petitioner is facing trial in FIR No.164 dated 11.05.2025 registered under Sections 323, 354, 406 and 498-A IPC at Police Station City Jagadhri, District Yamuna Nagar. The challan has been presented and the case is presently at the stage of prosecution evidence. It is further borne out that the challan has been filed only against the present petitioner, whereas the arrest of co-accused Raj Kumar and Bunty is still pending as they are stated to be residing in New York, U.S.A. The record also reveals that Look Out Circulars were issued against the accused persons, and the petitioner herself was apprehended at Delhi Airport when she attempted to leave the country.

3. Learned counsel for the petitioner has contended that the petitioner is about 70 years of age, is a permanent resident of the United States and seeks permission to travel abroad for medical treatment. It has been argued that her Permanent Residency is expiring shortly and she undertakes to return within a period of two months.

4. Per contra, learned State counsel has supported the impugned orders by submitting that the petitioner had earlier attempted to leave the country and was intercepted only after issuance of Look Out Circular. It is further contended that the co-accused persons are already abroad and have not joined the proceedings, and if the petitioner is permitted to travel abroad, there is every likelihood of her not returning, thereby frustrating the trial.

5. Upon consideration of the rival submissions and on a careful perusal of the record, this Court finds no infirmity in the concurrent findings

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recorded by the Courts below.

6. The application moved by the petitioner is conspicuously deficient in material particulars. There is no disclosure of any specific ailment necessitating treatment abroad, nor is there any document from any specialized medical institution abroad indicating the requirement of such treatment. No details have been furnished regarding the proposed course of treatment, the duration thereof, the place of stay or even a tentative schedule of return. The mere assertion that the petitioner would return within two months remains unsubstantiated and, in fact, appears incongruous with the stated purpose of undergoing medical treatment.

7. The medical record placed on file indicates that the petitioner is suffering from ailments such as hypertension, hyperlipidemia, diabetes, headache and related conditions, which, as noticed by the Courts below, are manageable within India. In the absence of any cogent material demonstrating that such treatment is unavailable domestically, the plea of necessity to travel abroad does not merit acceptance.

8. At this stage, it is also significant to note that it has been fairly admitted on behalf of the petitioner that her real daughter is residing in Chandigarh. In such circumstances, the plea that the petitioner has no support system in India for her medical care, does not hold much weight and stands substantially diluted.

9. Equally significant are the surrounding circumstances. The petitioner was apprehended at the Delhi airport while attempting to leave the country after issuance of Look Out Circular. The co-accused persons are

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already stated to be abroad and have not joined the proceedings till date. These facts legitimately give rise to an apprehension that if the petitioner is permitted to travel abroad her return to face trial cannot be ensured. While the right to seek medical treatment is undoubtedly a valuable right, the same cannot be considered in isolation. The Court is required to balance such right with the imperative of ensuring the due administration of criminal justice. The presence of the accused during trial is of paramount importance, and any order which has the potential to defeat that requirement must be passed with circumspection.

10. Both the learned Trial Court as well as the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri have duly considered these aspects and have arrived at a well-reasoned conclusion that no case for grant of permission is made out. The findings recorded are based on proper appreciation of the material on record and do not suffer from any perversity or illegality warranting interference.

11. At the same time, this Court is conscious of the fact that the petitioner is an elderly lady and the right to seek appropriate medical treatment cannot be lightly curtailed. Though, at this stage, no ground is made out to grant permission to travel abroad in the absence of requisite particulars and material, it is observed that in the event the petitioner is able to substantiate, by way of cogent medical opinion and relevant supporting documents, the necessity of undergoing treatment abroad, it shall always be open to her to move an appropriate application before the competent Court, which shall be considered in accordance with law, on its own merits.

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12. Pending miscellaneous application(s), if any, also stands disposed of.

(NEERJA K. KALSON)
JUDGE

22.04.2026

Satyawan

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