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

**CRM-M No.28685 of 2026
Date of decision: 27.05.2026**

Himanshu Arora

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vibhuti Naraina, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for setting aside the order dated 13.04.2026 passed by the learned Additional Chief Judicial Magistrate, Sonipat in case bearing FIR No.339, dated 24.09.2021, under Sections 323, 325, 34, 506 of IPC, registered at Police Station Civil Lines Sonipat, District Sonipat, whereby the application filed by the petitioner seeking permission to travel abroad was dismissed. Further prayer has been made to permit the petitioner to travel from India to Dubai and thereafter to the United States of America for the period from 26.05.2026 to 15.07.2026 or such period as this Court may deem fit in order to enable the petitioner to discharge his professional obligations with his employer company Red Hat and to protect his right to livelihood and personal liberty guaranteed under Article 21 of the Constitution of India and directing the Regional Passport Officer/Passport Seva Kendra and all

other concerned authorities to process, consider, reissue or restore the passport of the petitioner for 10 years and further permit the petitioner to mark his presence before the learned trial Court through video conferencing/virtual mode, whenever required, subject to any condition imposed by this Court.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present FIR. He has submitted that the petitioner was prosecuted in a case bearing FIR No.339, dated 24.09.2021, under Sections 323, 325, 34, 506 of IPC, registered at Police Station Civil Lines Sonipat, District Sonipat, however, he was granted the concession of interim anticipatory bail vide order dated 29.11.2021. He has further submitted that the petitioner had left India on 19.10.2023 as he was deputed by his office due to some important official duties and that the act of leaving India without the permission of the Court was completely unintentional and without any malice to abscond from the ongoing criminal proceedings. He has submitted that thereafter the learned trial Court issued proclamation against the petitioner under Sections 82 & 83 of Cr.P.C. and thus, vide order dated 28.03.2024 declared the petitioner as proclaimed person. He has submitted that the petitioner was at every point of time ready to appear before the learned trial Court and he did not intend to hamper the process of investigation and delivery of justice and thus, his absence is totally unintentional. He has submitted that the order declaring the petitioner as proclaimed person was ordered to be set aside by this Court vide order dated 19.11.2024 passed in CRM-M-57301-2024. He has further submitted that his passport was cancelled by the concerned



authorities and thus, he travelled back to India on the emergency certificate which was issued on 26.11.2024 till 25.05.2025 and when the petitioner was landed in India, his passport was impounded and a stamp regarding cancelling the passport was embossed on it. He has submitted that the petitioner is working with a private company, Red Hat, based in Pune & USA and his job profile requires occasional international travels. He has submitted that the petitioner moved an application before the learned trial Court for permission to travel abroad, however, the same was declined by the learned trial Court vide order dated 15.02.2025. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-11893-2025 for quashing of order dated 15.02.2025 but the same was allowed to be dismissed as withdrawn vide order dated 03.11.2025 with liberty to the petitioner to avail his alternative remedy as available to him in accordance with law. Another application filed by the petitioner before the learned trial Court seeking permission to travel abroad from 15.05.2026 to 10.06.2026 was dismissed by the learned Additional Chief Judicial Magistrate vide order dated 13.04.2026. He has submitted that due to the nature of employment of the petitioner, he is once again required on urgent basis to undertake international travel from his current location Sonipat to Dubai and thereafter, to USA from 26.05.2026 to 15.07.2026 as he is the subject matter expert, delivery lead and business analyst in his company. He has further submitted that in these circumstances, visit of the petitioner to Dubai and thereafter to United States of America is essential. He has submitted that the petitioner is ready to abide by the terms and conditions as imposed by this Court. He has further submitted that the petitioner is not involved in any other case, thus,



right of the petitioner to travel abroad cannot be curtailed simply due to the pendency of the present case. He has submitted that the petitioner undertakes that he will come back to India to attend the Court as and when called and he is ready to abide and comply with the order of this Court and to furnish surety bonds or any other condition as ordered by this Court. He has submitted that the petitioner undertakes that any proceedings before the learned trial Court during the absence of the petitioner and in the presence of his lawyer shall bound the petitioner as if the petitioner was present there. He thus, prays that the order dated 13.04.2026 may kindly be set aside/quashed and the petitioner be permitted to go abroad.

3. Reply dated 24.05.2026 by way of an affidavit of Amit Kumar, HPS, Assistant Commissioner of Police, City-1, District Sonipat on behalf of respondent No.1 has been filed by learned State counsel today in the Court, which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

4. Learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner is facing trial in a criminal case bearing FIR No.339, dated 24.09.2021, under Sections 323, 325, 506, 34 of IPC, registered at Police Station Civil Lines, Sonipat before the learned trial Court at Sonapat. He has submitted that the first application filed by the petitioner before the learned trial Court seeking permission of travel abroad was dismissed vide order dated 15.02.2025 and thereafter, he again moved an application for the similar prayer before the learned trial Court, which was also dismissed vide order dated 13.04.2026. He has submitted that the

petitioner had earlier misused the concession of bail granted to him, thus, he was declared as proclaimed person vide order dated 28.03.2024 and LOC proceedings were initiated against him. He has submitted that the learned trial Court in its order dated 13.04.2026 had rightly observed that the petitioner's passport already stands impounded by the competent authorities. He has submitted that there is every likelihood that in case permission to travel abroad is granted, the petitioner may evade the process of law and may not return back to face the trial proceedings, thereby causing serious prejudice and delay in conclusion of trial. He has submitted that out of total 08 prosecution witnesses, only 01 witness has been examined till date. He has submitted that the petitioner has committed serious offence, thus, the present petition being devoid of any merit, deserves to be dismissed.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in the above-mentioned FIR in which he was granted the concession of bail. The petitioner filed an application before the learned trial Court twice to seek permission to go abroad. However, the learned trial Court dismissed both the applications. The petition filed by the petitioner seeking quashing of order passed by the learned trial Court was also allowed to be dismissed as withdrawn vide order dated 03.11.2025. Coordinate Bench of this Court had recalled the proclamation and all warrants issued against the present petitioner vide order dated 19.11.2024. Keeping in view the facts and circumstances of the case, the Court is of the opinion that the petitioner has the fundamental right to travel abroad and thus, he deserves to be



granted permission for travelling abroad.

9. Keeping in view the facts and circumstances of the case, the order dated 13.04.2026 passed by the learned Additional Chief Judicial Magistrate, Sonipat, is hereby set aside and the petitioner is allowed to travel abroad w.e.f. 01.06.2026 to 15.07.2026 subject to the following conditions:

- (i) That the petitioner shall deposit Rs.25,00,000/- as security before the trial Court concerned, which will retain the same in the shape of FDR in a nationalized Bank for a period of two months.
- (ii) The petitioner is also directed to furnish surety bonds of one local surety in the sum of Rs.1,00,000/-.
- (iii) The petitioner would also file an affidavit before the trial Court undertaking that he will return to India within the time granted by this Court and on his return, shall surrender his passport with learned trial Court forthwith and would not seek extension of time in any circumstances.
- (iv) That the petitioner shall also furnish his complete address, phone number etc. and complete details of his movable and immovable properties in India in the said affidavit. The petitioner will return to India on or before 16.07.2026.
- (v) That the petitioner shall also furnish his complete address and contact details of his place of stay in Dubai as well as in the United States of America prior to leaving India.
- (vi) That any proceedings before the learned trial Court during the absence of the petitioner and in the presence of his lawyer shall bound the petitioner as if the petitioner was present there.
- (vii) That if the petitioner fails to abide by the above



terms and conditions, the security deposited @
Rs.25,00,000/- would be forfeited to the State.

10. The present petition stands disposed of in the abovesaid
terms.

(RAJESH BHARDWAJ)
JUDGE

27.05.2026

<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No