IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-57206-2025

Date of decision: 28.10.2025

Jonty Chhag @ Jonty Vinay Chhag

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

Mr. Abhijeet Chaudhary, Advocate for the complainant.

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SUMEET GOEL, J.

1. Taking exception to the order dated 05.09.2025 (hereinafter referred to as *'impugned order'*) passed by SDJM, Gharaunda, District Karnal, Haryana (whereby the plea of the petitioner – herein for grant of permission to travel abroad has been declined), the petitioner has preferred the *petition in hand*. In essence, the petitioner is seeking permission to travel abroad for business related purpose(s).

2. Shorn of non-essential details, the relevant factual matrix of the *lis* in hand is adumbrated, thus:

(i) The petitioner (herein) is an accused, facing trial, in FIR No.158 dated 13.03.2018 registered under Sections 420, 406, 409, 467, 468, 471, 474, 120-B, 380 and 34 of IPC. Challan (charge-sheet) already stands filed and trial is underway.

(ii) The petitioner (herein) had earlier sought for and was granted permission to travel abroad in November, 2023 to Sharjah and thereafter in June, 2024 to Doha. The petitioner has complied with the directions imposed upon him while being granted these permissions and is shown to have returned back in time.

(iii) The petitioner again filed an application for traveling abroad to different countries for business meetings but the said plea was declined vide the *impugned order*.

(iv) The petitioner has preferred the *petition in hand* with a revised itinerary pleading that he is required to travel abroad to different countries for business purpose(s) from October, 2025 to 03.12.2025 in different spells as detailed in *paragraph 17* of the *petition in hand,* which reads thus:

> *"17. That it is pertinent to mention here that the petitioner has to visit different foreign countries due to his work & to earn his livelihood. The details of the following itinerary for his travel abroad is here as that from 15.10.2025 to 28.10.2025 petitioner has to visit Dubai, UAE, then following that on 02.11.2025 to 18.11.2025 he has to travel to Doha Qatar and lastly petitioner has to travel on 23.11.2025 to 03.12.2025 to Turkey. The petitioner has been invited to visit all three places for his business purpose. Copies of the invitation as well as itinerary annexed herewith as Annexure P-11."*

It is in the above backdrop that the instant petition has come up for hearing before this Court.

3. Learned counsel for the petitioner has argued that the petitioner is a businessman and is frequently required to travel to different countries for his business meetings which are pertinent for his business activities.

Learned counsel has iterated that the petitioner has been permitted to travel abroad twice in the past and he has scrupulously complied with conditions imposed upon him and has returned back in time. Learned counsel has further iterated that though the itinerary relied upon by the petitioner before the learned trial Court has since elapsed with the efflux of time, therefore, he has filed the instant petition with a revised itinerary to save on time. Learned counsel has submitted that the petitioner is willing to abide by all such terms and conditions as may be imposed upon him by this Court while permitting him to travel abroad.

4. Upon being called upon, the State has filed a status report/response by way of affidavit of Manoj Kumar, Deputy Superintendent of Police, Gharaunda, Karnal, relevant whereof reads thus:

> *"12. That order 05.09.2025, passed by the Ld. SDJM, Gharaunda, Karnal are legal and valid in the eyes of law. It is submitted that order passed by the Ld. Court are with detailed reasons, which was passed by the Ld. Court after applying his judicious mind and if the passport fo the petitioner is released to him, he will abscond from the trial and it will be impossible to procure his presence again and there is no illegality in the order dated 26.08.2025. Hence, the present petition deserves to be dismissed."*

Learned State counsel, while raising submission in tandem with the above status report, has opposed the *petition in hand* primarily on the ground that in case the petitioner is permitted to travel abroad he may abscond from the process of justice and it would be impossible to procure his presence again.

5. The FIR-complainant has filed reply dated 17.10.2025, relevant whereof reads thus:

> *"14. That in response to the contents of para 14, it is submitted that the petitioner had not placed on record any genuine itinerary and supporting documents before the Ld. SDJM. The Ld. SDJM correctly observed that the petitioner sought to visit abroad without specifying any time period. The itinerary and invitations being relied upon by the petitioner before this Hon'ble Court were never placed on record before the Trial Court in the application for permission to go abroad. In fact, the petitioner filed the application for permission to go abroad on 26.08.2025 whereas the alleged invitations are dated 10.09.20285, 12.09.2025 and 18.09.2025.*
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> *xxx xxx xxx xxx*
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> *17. That in response to the contents of para 17 of the petition, para 9 of the present Reply may be read as part and parcel of the present para as well. It is humbly submitted that these alleged invitations (Annexure P-11) are forged and created in back dates as an afterthought. If these invitations were received on the said dates, the petitioner could have appended them with his first petition as well. Therefore, the veracity of these invitations needs to be verified before relying upon them."*

Learned counsel appearing for the FIR-complainant, while raising submissions in tandem with the above reply, has argued that the petitioner is trying to delay the trial and there is all the likelihood that he will flee from the country in case he is permitted to travel abroad. Learned counsel has further iterated that the itinerary submitted by the petitioner before this Court was not the same as submitted before the learned trial Court and thus, the petition ought to be rejected on this ground alone. Learned counsel has further iterated that the itinerary submitted by the petitioner, including the details of flight(s)/hotel stay etc., ought to be

verified by the Police so as to bring forth its genuinety. Thus, the dismissal of the instant petition is entreated for.

6. I have heard learned counsel for the rival parties and have perused the paper-book.

Prime issue

7. The issue that arises for consideration is as to whether the petitioner herein ought to be granted permission to travel abroad during pendency of the trial in question in the facts and circumstances of the present case.

The prime legal issue that arises for cogitation in the present petition is the parameters for consideration of a plea by an accused in a criminal case (whether FIR case or otherwise) seeking permission to travel abroad during pendency of investigation/ trial.

8. **Relevant statutory provisions**

I. Constitution of India

Article21. Protection of life and personal liberty.—*No person shall be deprived of his life or personal liberty except according to procedure established by law*.

II. The Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr. P.C., 1973')

Re: REGULAR BAIL

SECTION 437

437. When bail may be taken in case of non-bailable offence

XX XX XX

(3) When a person accused or suspected of the commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter XVI or Chapter XVII of the Indian Penal Code (45 of 1860) or abatement of, or conspiracy or attempt to commit, any such offence, is released on bail under sub-section (1), 4 [the Court shall impose the conditions,—

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence,

and may also impose, in the interests of justice, such other conditions as it consider necessary.]

SECTION 439

439. Special powers of High Court or Court of Session regarding bail.*—(1) A High Court or Court of Session may direct,—*

(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 437, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;

(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:

Re: ANTICIPATORY BAIL

SECTION 438

438. Direction for grant of bail to person apprehending arrest.

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(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including—

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.

III. The BharatiyaNagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS')

Re: REGULAR BAIL

SECTION 480

480. When bail may be taken in case of non-bailable offence*.*

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(3) When a person accused or suspected of the commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter VII or Chapter XVII of the Bharatiya Nyaya Sanhita, 2023 or abetment of, or conspiracy or attempt to commit, any such offence, is released on bail under sub-section (1), the Court shall impose the conditions,--

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected; and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with

the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence,

and may also impose, in the interests of justice, such other conditions as it considers necessary.

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SECTION 483

483. Special powers of High Court or Court of Session regarding bail.—*(1) A High Court or Court of Session may direct,—*

(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 480, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;

(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:

XX XX XX

Re: ANTICIPATORY BAIL

SECTION 482

482. Direction for grant of bail to person apprehending arrest.—

XX XX XX

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including—

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.

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Relevant Case Law

9. The precedents, *apropos*, to the matter(s) in issue, are as follows:

I. The Hon'ble Supreme Court in a Five Judge Bench judgment titled as ***Satwant Singh Sawhney versus D. Ramarathnam, Assistant Passport Officer, New Delhi and others, 1967 AIR Supreme Court 1836***; has held as under:

> **"***13. The relevant article of the Constitution is Article 21, reads:*
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> *"Art. 21 No person shall be deprived of his life or personal liberty except according to procedure established by law."*
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> *If the right to travel is a part of the personal liberty of person he cannot be deprived of his right except according to the procedure established by law. This court in Gopolan's case, 1950 SCR 88 has held that 'law' in that article means enacted law and it is conceded that the State has not made any law depriving or regulating the right of a person to travel abroad.***"**
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> *xx xx xx*
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> **"***32. For the reasons mentioned above we would accept the view of Kerala, Bombay and Mysore High Courts in preference to that expressed by the Delhi High Court. It follows that under Article 21 of the Constitution no person can be deprived of his right to travel except according to procedure established by law. It is not disputed that no law was made by the State regulating or depriving persons of such a right.* **"**

II. The Hon'ble Supreme Court in a Constitutional Bench (Seven Judges) judgment titled as ***Smt. Maneka Gandhi versus Union of India and another, 1978 AIR Supreme Court 597***; has held as under:

"*The attempt of the court should be to expand the reach and ambit of the fundamental rights rather than attenuate their meaning and content by a process of judicial construction. The wave length for comprehending the scope and ambit of the fundamental rights has been set by this Court in R. C. Cooper's case and our approach in the interpretation of the fundamental rights must now be in tune with this wave, length. We may point out even at the cost of repetition that this Court has said in so many terms in R. C. Cooper's case that each freedom has different dimensions and there may be overlapping between different fundamental rights and therefore it is not a valid argument to say that the expression 'personal liberty' in Article 21 must be so interpreted as to avoid overlapping between that Article and Article 19(1). The expression 'personal liberty' in Article 21 is of the widest amplitude and it covers a variety of rights which go to constitute the personal liberty of man and some of them have been raised to the status of distinct fundamental rights and given additional protection under Article 19. Now, it has been held by this Court in Satwant Singh's case that 'personal liberty' within the meaning of Article 21 includes within its ambit the right to go abroad and consequently no person can be deprived of this right except according to procedure prescribed by law.*"

III. The Hon'ble Supreme Court in a judgment titled as ***Satish Chandra Verma versus Union of India and Others, 2019(2) SCT 741***; has held as under:

"*5. 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. (See: Mrs. Maneka Gandhi v. Union of India and Another (1978) 1 SCC 248). In the 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."*

IV. The Hon'ble Supreme Court in a judgment titled as ***Parvez Noordin Lokhandwalla versus State of Maharashtra and another, 2021 AIR Supreme Court 641***; has held as under:

> "*17. In Sumit Mehta v. State (NCT of Delhi) (2013) 15 SCC 570, in the context of conditions under Section 438 (2) of the Cr.P.C., 1973 this Court observed that a balance has to be struck between the rights of the accused and the enforcement of the criminal justice system while imposing conditions on the grant of bail:*
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> > *"11. While exercising power Under Section 438 of the Code, the Court is duty bound to strike a balance between the individual's right to personal freedom and the right of investigation of the police. For the same, while granting relief under Section 438(1), appropriate conditions can be imposed Under Section 438(2) so as to ensure an uninterrupted investigation. The object of putting such conditions should be to avoid the possibility of the person hampering the investigation. Thus, any condition, which has no reference to the fairness or propriety of the investigation or trial, cannot be countenanced as permissible under the law. So, the discretion of the Court while imposing conditions must be exercised with utmost restraint."*
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> *This Court also discussed the scope of the discretion of the court to impose "any condition" on the grant of bail and observed:*
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> > *"15. The words "any condition" used in the provision should not be regarded as conferring absolute power on a Court of law to impose any condition that it chooses to impose. Any condition has to be interpreted as a reasonable condition acceptable in the facts permissible in the circumstance and effective in the pragmatic sense and should not defeat the order of grant of bail."*

> *18. In Barun Chandra Thakur v. Ryan Augustine Pinto Criminal Appeal No.1618 of 2019 (Arising out of SLP (Crl.) No.9873 of 2019), order dated 21 October 2019, this Court restored a condition mandating that the respondent seek prior permission from a competent court for travel abroad. The condition, which was originally imposed by the High Court while granting anticipatory bail was subsequently deleted by it. This Court made the following observations with respect to imposing restrictions on the accused's right to travel:*
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> > *"9. ….There could be no gainsaying to that the right to travel abroad is a valuable one and an integral part of the right to personal liberty. Equally, however, the pre-condition of securing prior permission before travelling abroad is a crucial ingredient which undoubtedly was engrafted as a condition for the grant of anticipatory-bail in this case. ……At best, the condition for seekingpermission before travelling abroad could have been regulated, not deleted altogether."*

Analysis (re law)

10. Indubitably, the Right of Personal Liberty, as enshrined under Article 21 of the Constitution constitutes one of the most celebrated and transcendent fundamental rights. It is, in essence, the foundational matrix from which numerous other subsidiary rights emanate, all of which are pivotal for an individual to endure the true fruition of existence within a sovereign, independent, democratic nation anchored by Rule of Law. This cherished liberty is not a mere freedom from arbitrary physical restraint, but possess a capacious ambit, having been judicially construed to encompass an inherent right to move unhindered from one locale to another dictated solely by personal inclinations and exigencies. Furthermore, this Right of Personal Liberty is now held to transcend domestic boundaries, firmly incorporating

the liberty to leave one's own country and traverse abroad. Any action impinging upon this precious fundamental right must be strictly proscribed by procedure established by law, a requirement understood to demand a procedure that is just, fair and reasonable. The Hon'ble Supreme Court, in a Five Judge Bench judgment in ***Satwant Singh Sawhney's*** case (*supra*)aureated the doctrine that right to travel abroad is a part of liberty of which a citizen cannot be deprived except according to procedure established bylaw. Further, the Hon'ble Supreme Court in a Seven Judge Bench judgment in ***Maneka Gandhi's*** case (*surpa*) reiterated this salutary principle by enunciating that right to travel abroad is a fundamental right and is proscribed only according to procedure established by law. To quote with impunity the seminal words of J. William O. Douglas in the celebrated American Case of ***Kent Vs. Dullas 357 US 116,*** which has met with approval by the Hon'ble Supreme Court in ***Menaka Gandhi's*** case (supra);

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

To similar effect, is the *dicta* of the judgments of the Hon'ble Supreme Court in ***Satish Chandra Verma's*** case (*supra*) and ***Parvez Noordin Lokhandwalla's***case (*supra*).

Ergo, the pellucid principle that unequivocally emanates is that a citizen has a right to travel abroad which is circumscribed only by procedure established by law, a requirement understood to demand a procedure that is just, fair and reasonable. Furthermore, the term 'law' as

employed in Article 21 of the Constitution, has been definitively judicially construed to mean 'enacted law'. Consequently, any action curtailing this liberty to traverse abroad must not only be just, fair and reasonable but ought to be substantiated by a validly enacted statute.

10.1. By way of provisions contained in Section 480 and Section 483 of BNSS, 2023 (erstwhile Sections 437 and 439 of Cr.P.C., 1973 respectively) in cases of regular bail and Section 482 of BNSS (erstwhile Section 438 of Cr.P.C., 1973) in cases of anticipatory bail, the legislature in its inherent wisdom has conferred upon criminal Courts the prerogative discretion to impose conditions, as may be deemed *ex aequo et bono*, upon an accused being enlarged on bail. This discretion is principally designed to sub-serve the overarching objective of ensuring the smooth, continuous and efficacious trajectory of investigation/trial, without unduly/disproportionately impinging upon the accused person's right of Personal Liberty. One pivotal and frequently stipulated condition is the prohibition on the accused from traversing abroad or leaving the jurisdictional territory of India, without permission of Court. This restrictive covenant is a prophylactic measure implemented to secure the accused person's presence and mitigate the substantial risk of flight. Consequently, when the permission to travel abroad is entreated for by an accused, during the pendency of investigation or trial, as the case may be, the Court is faced with a profound judicial dilemma and a quintessential balancing act. The Court is obliged to adjudicate the plea by weighting the right of Personal

Liberty (from which the liberty to travel abroad emanates) against the overriding public interest in the administration of criminal justice, which necessitates the presence of accused.

11. More often than not, while dealing with the plea by an accused seeking permission to travel abroad, primarily two-fold objections are raised by the prosecution/ complainant.

Firstly, the plea raised is that such an applicant/ accused possesses flight risk. In support of such objection, the ground raised is that it is *likely* that such applicant/ accused may flee from the process of justice and never ever return to India. The term '*likely*' by its inherent semantic ambiguity, consistently eludes any singular, precise or universally applicable definition, thereby mandating its interpretation strictly in accordance with the specific statutory context in which it is deployed. This term demands a nuanced and careful interpretation. It is imperative that '*likely*' be construed as denoting a '*reasonable probability*' or a '*palpable probability*', rather than a mere '*nascent possibility*' or a '*speculative probability*'. This distinction is crucial because assessing the '*likelihood of fleeing*' necessitates a predictive judgment concerning future conduct—an inherently complex andoften indeterminate task upon which no conclusive adjudication can be made with absolute certainty. An expansive interpretation of '*likely*' in this context would effectively amount to erecting an insurmountable legal impediment to the grant of permission to travel abroad. It would invariably result in imposing an oppressive burden on the applicant-accused to prove a

negative fact about future events. The adjudicating Court is obliged, to arrive at a considered determination regarding the accused-applicant's propensity for fleeing, which ought to be premised upon some discernible, tangible and cogent material on record. To adopt a contrary stance, and equating '*likely*' with that of a '*mere conceivable probability*', would risk transforming a conditional structure into an unjustified and absolute permission to travel abroad.

Secondly, the plea often raised by the prosecution/ complainant is that the trial would procrastinate in case the applicant-accused is permitted to travel abroad. The chances of trial being delayed, by itself, cannot be a ground sufficient to decline any permission to an accused to travel abroad. Indubitably, this concern does remain a pertinent factor to be considered but the same would depend upon factual *milieu* of a particular case. Remedial measures/ steps can be taken, including but not limited to, seeking an affidavit of the applicant-accused that trial proceedings (including recording of evidence) may go on in his absence but in presence of his counsel and he shall remain bound by such proceedings including recording of evidence. To similar effect would be the situation wherein the criminal proceedings are at the stage of investigation and final report has not been filed/presented—in such a situation as well, the interest of the prosecution can well be secured and the fear(s) expressed can be allayed by taking a similar undertaking from the accused.

12. There is another aspect *nay* vital aspect of the matter.

The contemporary world, characterized by an accelerating pace of globalization and seamless interconnectedness, has rendered international travel a *quotidian* necessity rather than a rarefied privilege. This paradigm shift necessitates that the Courts must not remain in *vacuo* or ensconced in an '*ivory tower*', but rather must engage with and adjudicate in consonance with evolving social realities, adopting a pragmatic approach.

When seized of an application by an accused entreating for permission to travel abroad, the Court's deliberation must be moored in this modern socio-legal context. The right to travel abroad has, through the efflux of time and the exigencies of modern life, become so profoundly entrenched and inextricably interwoven with the daily affairs of an individual that it is now an indispensable facet and an ineluctable corollary of the fundamental right to life & liberty, as enshrined under Article 21 of the Constitution. However, it is axiomatic that no right, even one of such constitutional *gravitas*, is *sans* limitation(s) or absolute. The right of an individual to travel abroad is not an unbridled license and is amenable to curtailment under the aegis of judicial scrutiny. It is for the Court to effectuate a delicate and judicial balancing act. This equilibrium must be maintained between the fundamental right of the undertrial/accused to pursue his legitimate affairs, both personal and professional & the collective interests of the society and the prosecution to ensure the unwavering presence of the accused before the trial Court, thereby preventing a *fait accompli* where justice is, frustrated.

13. *Ergo*, it is indubitable that any such plea must be considered on its individual merits *pro tanto*, avoiding a *procrustean* application of judicial mind. The ultimate decision must be a holistic exercise in judicial discretion, contingent upon the factual matrix of specific case, ensuring that scales of justice are held even between the liberty of the individual and the imperative of the due process of law. This analysis requires considering several competing factors, including but not limited to; the gravity of allegations, the accused person's antecedents and roots; the bona fides of the purpose and duration of travel; the accused person's willingness to furnish security to ensure repatriation, etc. Such adjudication ought to reflect the jurisprudential understanding that liberty is the *sine qua non* of a civilized society, but its exercise must not be permitted to degenerate into an abuse of process. It must, thus, demonstrate a proportionate balance, ensuring the restriction on right to travel abroad, is the least restrictive measure necessary, thereby affirming the role of the judiciary as the *sentinel on the qui vive* protecting the constitutional equilibrium.

No exhaustive set of guideline(s) to govern, this aspect of the satisfaction of a Court can possibly be laid down, however, alluring this aspect may be. It is neither fathomable nor desirable tolay down any straightjacket formulation in this regard. To do so would be to crystallize into a rigid definition, a judicial discretion, which even the Legislature has, for best of all reasons, left undetermined. Any attempt in this regard would be, to say the least, a quixotic endeavour. Circumstantial flexibility, one

additional, or different fact, may make a sea of difference between conclusions in two cases. Such exercise would thus, indubitable, be dependent upon the factual matrix of the particular case which the Court is in *seisin* of, since every case has its own peculiar factual conspectus. Such judicial discretion, but of-course, ought to be exercised in accordance with the principles of justice, equity and good conscience. An age old adage reads, thus:

> "*The judge even when he is free, is still not wholly free. He is not to innovate at pleasure. He is not a knight-errant roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles. He is not to yield to spasmodic sentiment, to vague and unregulated benevolence. He is to exercise a discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to the primordial necessity of order in the social life. Wide enough in all conscience is the field of discretion that remains*"

Analysis re: facts

14. Pertinently, the itinerary earlier submitted before the learned trial Court for the purpose of seeking permission to travel has now been rendered infructuous owing to the efflux of time. The petitioner has, therefore, approached this Court by placing on record a fresh itinerary covering a subsequent period. However, this Court is of the considered opinion that remitting the petitioner back to the trial Court would serve no meaningful purpose and would only result in multiplicity of proceedings and procedural delay. The law does not contemplate that a citizen be made to suffer the rigours of technical formalities when the ends of justice can be

effectuated without compromising procedural propriety. Procedural provisions are *handmaidens of justice* and not its mistress. Courts are, therefore, enjoined to adopt a justice-oriented approach rather than a hyper-technical one. Accordingly, in the larger interest of justice and to obviate avoidable procedural rigmarole, this Court deems it expedient and appropriate to entertain the *petition in hand.*

Adverting to the factual *milieu* of the *petition in hand* it is not in dispute that the FIR in question was registered in the year 2018 and the trial is pending adjudication since then. Further, it is unequivocally borne out from the material put forth before this Court that the petitioner had earlier travelled abroad twice over i.e. in November, 2023 and June, 2024 for business purpose(s) which concession has never ever been misused by him and he has returned back in time. The relevance/importance of a business meeting is required to be assessed by the persons attending such meeting and the relevance thereof ought not to be ordinarily entered into by the Court while considering a plea for travelling abroad. Nothing perceptible has been brought forward before this Court to decipher that there is likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. *Ergo,* the *petition in hand* ought to be granted.

15. In view of the prevenient ratiocination, it is ordained thus:

(i) The *petition in hand* is allowed and the petitioner is permitted to travel abroad in terms of itinerary spelled out in *paragraph No.17* of the *petition in hand* (ibid).

(ii) The liberty granted henceforth, will be subject to such terms and conditions as deemed fit, by the learned trial Court, including but not limited to furnishing a bank guarantee in favour of the trial Court to the tune of Rs.10.00 lacs. There is no gainsaying that in case of the petitioner not returning back in time and/or complying with the conditions imposed by the trial Court, the bank guarantee would be liable to be immediately forfeited, as per law.

(iii) No disposition as to costs.

(SUMEET GOEL)
JUDGE

October 28, 2025
Ajay

Whether speaking/reasoned: Yes
Whether reportable: Yes