

State Vs. Arun Sareen

Present: Ms. Navsimranjeet Kaur, Ld. APP for the State
alongwith by Sh. Harish Rai Dhanda Advocate for
complainant.
Sh. Rajinder Pal Singh Babbar Advocate for the
applicant/accused Arun Sareen.

This Order of mine will dispose of an application for
granting permission to go abroad for the time from 28.04.2025 to
10.05.2025 to attend 33rd China International Bicycles Fair at
Shanghai New International Expo Center in connection with
urgent and unavoidable business matter.

Ld. Counsel for the applicant/accused has
relied upon judgment titled as Amit Sureshmal Lodha Vs State
of Haryana Law Finder Doc Id# 1974600 and Rohit Chauhan
Versus State of Punjab and another Law Finder Doc Id# 2016978

I have given thoughtful consideration to the
arguments addressed by the Ld. Counsel for both the parties and
gone through the relevant record and have perused the judgments
cited by the Ld. Counsel for the applicant/accused.

There is no dispute about the settled law relied upon
by the Ld. Counsel for the accused/applicant that right to travel
abroad is a fundamental right. But it is equally settled proposition
of law that it is not everything said by a judge giving a judgment
constitute a precedent, the only thing in a judge's decision binding a
party is a principle upon which the case is decided. Therefore, every
judgment must be read as applicable to the particular facts proved,
since the generality of the expressions, which may be found there is
not intended to be exposition of the whole law, but governed and
qualified by the particular facts of the case in which such

expressions are to be found. Therefore, the present application is being decided in terms of particular facts of the present case.

There is no dispute about the settled law relied upon by the Ld. Counsel for the accused/applicant that right to travel abroad is a fundamental right. But in the present case the Hon'ble High Court has been pleased to grant interim protection against arrest to the applicant/accused vide order dated 13.02.2025 which has not been confirmed and is pending for 14.05.2025.

Hence, as the Hon'ble High Court is seized of the matter pertaining to the liberty of applicant/accused, the undersigned being subordinate to Hon'ble High Court does not have the jurisdiction to deal with this application. Therefore, the present application is dismissed. Papers be attached with the case file .

**Announced in open
Court on:- 17.04.2025**

**(Amit Bakshi,PCS), PB0469,
Judicial Magistrate 1st Class,
Ludhiana**

Manu Sharma
Stenographer-II