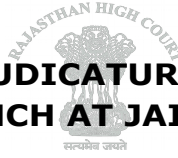




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 7390/2025
CNR: RJHC020987392025 | URN: CRLMP / 17189U / 2025

Aadil Khan Son Of Nawab Khan, Aged About 26 Years, Resident
Of Ward No. 09, Ganja Mohalla Bhinchari, Police Station Balaran,
Tehsil Fatehpur, District Sikar, Rajasthan.

-----Petitioner

Versus

State Of Rajasthan, Through P.P.

-----Respondent

For Petitioner(s)	:	Mr. Amit Singh Shekhawat, Adv.
For Respondent(s)	:	Mr. Manvendra Choudhary, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

04/08/2026

1. The present Cr. Misc. Petition under Section 528 BNSS has been filed by the petitioner assailing the order dated 10.09.2025 passed by Additional Sessions Judge, Lakshmangarh, District Sikar in Criminal Revision No.21/2025, whereby the revision petition filed by the petitioner was dismissed and the order dated 16.07.2025 passed by Additional Chief Judicial Magistrate, Lakshmangarh, District Sikar in Criminal Case No.115/2021 dismissing the application of the petitioner for renewal of his passport and permission to travel abroad, was affirmed.

2. Counsel for the petitioner submits that the petitioner is a poor labourer and due to acute lack of employment in his native village, the petitioner intends to go to Dubai to work as a truck driver in order to earn his livelihood and support his dependents.



Counsel submits that the petitioner possesses a driving licence issued by the United Arab Emirates, which is valid upto 28.01.2027. Counsel submits that accordingly, on 23.04.2025 the petitioner submitted an application for renewal of his passport, which was valid till 25.06.2025, upon which, the Passport Authority by letter dated 12.06.2025 informed the petitioner that since a criminal case in connection with FIR No.16/2021 at Police Station Balara, District Sikar under Section 143, 451, 341, 323, 336 and 504 of IPC is pending against him, he is required to submit an order/permission from the concerned Court to travel abroad.

3. Counsel submits that upon receiving the said letter, the petitioner approached the learned Additional Chief Judicial Magistrate, Lakshmangarh by filing the application for renewal of his passport and permission to travel abroad, however, learned trial Court vide order dated 16.07.2025 rejected the application of the petitioner while observing that a cross case has been filed in the present matter and granting permission to the petitioner to travel abroad would cause delay in proceedings of trial. Aggrieved by the said order, the petitioner preferred the Criminal Revision Petition No.21/2025, which too came to be dismissed by the Revisional Court vide impugned order dated 10.09.2025.

4. Counsel submits that the impugned orders suffer from gross illegality and are against the settled principle of law as it violates the fundamental right of the petitioner. Counsel submits that mere pendency of a criminal case cannot be a valid ground to deny renewal of passport or to travel abroad, particularly when the



petitioner has not been convicted in the case. Counsel submits that in the cross case, petitioner is only a witness and not an accused. He submits that right to travel is the fundamental right of the petitioner as enshrined under Article 21 of Constitution of India, therefore, it is submitted that the impugned orders be set aside and direction may be given to renew the passport of the petitioner for ten years and permit him to travel abroad.

5. Per contra, learned State Counsel vehemently opposes the submissions advanced on behalf of the petitioner. Counsel submits that the petitioner is facing trial for serious offences and the learned trial Court as well as learned Revisional Court has rightly declined the prayer considering the pendency of criminal proceedings.

6. Heard learned counsel for the parties and perused the material available on record.

7. Admittedly, the FIR was registered in the year 2021 and till date, trial has not been concluded. This Court is of the considered opinion that mere pendency of a criminal case cannot be a sole ground to reject the prayer of the petitioner to leave India. The prayer made by the petitioner to go abroad is a fundamental right, which cannot be curtailed only on this ground. The Hon'ble Supreme Court in the case of **Maneka Gandhi v. Union of India, (1978) 1 SCC 248**, took the wider interpretation of Article 21. The Court held that "*Right to life and liberty*" as embodied under Article 21 is not merely confined to animal existence or survival but it includes within its ambit the right to live with human dignity and all those aspects of life which go to make a



man's life meaningful, complete, and worth living. It was also ruled that the expression "*personal liberty*" in Article 21 of the Constitution is of the widest amplitude and it covers a variety of rights that go to constitute the personal liberty of a person. The case of **Maneka Gandhi** (supra) indeed had profound implications for the interpretation of Article 21 of the Constitution of India, which guarantees the right to life and personal liberty. This landmark case expanded the understanding of Article 21 and reaffirmed the fundamental importance of individual rights and due process in the Indian legal system. The Court ruled that the right to personal liberty under Article 21 encompasses the right to travel freely within the country and abroad. This decision recognised that the Government cannot arbitrarily restrain an individual's freedom to travel beyond national borders.

8. Having considered the aforesaid and keeping in mind the balance between the right of the petitioner to travel abroad and also the right of the prosecution to duly prosecute the petitioner and in order to meet the ends of justice, this Court is of the view that the learned Trial Court as well as the Revisional Court was not justified in rejecting the application of the petitioner.

9. Accordingly, the instant Criminal Misc. Petition is partly allowed and the order dated 10.09.2025 passed by Additional Sessions Judge, Lakshmangarh, District Sikar in Criminal Revision No.21/2025 and the order dated 16.07.2025 passed by Additional Chief Judicial Magistrate, Lakshmangarh, District Sikar in Criminal Case No.115/2021 are hereby set aside. The petitioner- **Aadil**



Khan S/o Nawab Khan, is hereby given permission to travel abroad to Dubai, UAE, subject to the following conditions

- (1) that he shall execute a personal bond of Rs. 3,00,000/- with a bank guarantee of the like amount to the satisfaction of the concerned learned trial Court, which, in the eventuality of failure of the petitioner in returning to India, would be forfeited.
- (2) that he shall inform the trial Court of the dates of departure from India and return to India.
- (3) that if needed, he will join the proceedings through video conferencing.
- (4) that at the stage of his examination under Section 313 Cr.P.C., he shall appear before the trial Court; and
- (5) that as and when, his presence is required for the purpose of identification, he will join the Court proceedings.

10. It is further clarified that mere pendency of criminal case against the petitioner shall not constitute an impediment to the issuance/renewal of passport to the petitioner. Upon returning to India, the applicant shall deposit/surrender the passport before the trial Court.

11. Consequently, this criminal misc. petition stands disposed of.

12. The stay application and pending application(s), if any, also stand disposed of.

(ANIL KUMAR UPMAN),J