RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 8708/2026
CNR: RJHC010929182026 | URN: CRLMP / 14783U / 2026

Tejaram S/o Hadmanram, Aged About 37 Years, Village Ratau, Police Station Nemi Jodha, District Deedwana-Kuchaman.

----Petitioner

Versus

State Of Rajasthan, Through The Pp

----Respondent

Rajasthan High Court
सत्यमेव जयते
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For Petitioner(s)	:	Mr. Suresh Kumbhat Mr. Sheetal Kumbhat
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP Mr. Ravindra Singh, PP Mr. Vaibhav Bhansali, for Passport Department

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

18/11/2026

1. The present misc. petition has been filed under Section 528 BNSS by the petitioner challenging the order dated 03.09.2026 passed by learned Additional Sessions Judge, Deedwana in Sessions Case No.562/2026, whereby the application seeking permission to travel to Saudi Arabia for employment purposes has been rejected.

2. Learned counsel for the petitioner submits that on the date of alleged incident, the petitioner was not even in India, therefore, his involvement becomes highly doubtful. Despite that, after investigation, charge-sheet has been submitted and charges were framed and against framing of such charges, a petition was preferred before the learned trial Court, which was admitted on 20.08.2026. He further submits that the petitioner is going abroad for earning his livelihood. The matter is pending trial. He further

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RAJASTHAN HIGH COURT
सत्यमेव जयते

submits that the petitioner is a young man of 37 years and is holding work permit of Saudi Arabia and is currently working there. Consequently, if he is unable to go, his services would be terminated, rendering him jobless and his livelihood would be snatched. It is submitted that petitioner's right to earn livelihood cannot be snatched on the basis of the criminal proceedings which are yet to be decided. It is stated that the criminal prosecution is on its nascent stage and it would surely take a long time to reach on a legitimate conclusion. During the pendency and conclusion of the trial if he would not be allowed to go outside the country, then he will lose his job. It is contended that right to go abroad and right to earn for livelihood is a fundamental right.

Rajasthan High Court
सत्यमेव जयते
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3. Learned counsel for the petitioner further relied upon the order passed by a Coordinate Bench of this Court in **SB Criminal Misc. Petition No. 1279/2025** in **Rehman Khan vs. State of Rajasthan and Ors.**

4. Heard the learned counsel for the parties and gone through the niceties of the matter.

5. In the present case, the petitioner has been residing in Saudi Arabia and is working there. The petitioner cannot be deprived of his right to earn his livelihood merely on the ground of the pendency of the present criminal case. It is no longer *res integra* that the right to travel abroad forms part of the fundamental right guaranteed under Article 21 of the Constitution of India.

6. In the present case, the application of the petitioner has been rejected solely on the ground of pendency of the criminal case against him. However, a Co-ordinate Bench of this Court, in

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identical circumstances, has permitted the husband to travel abroad for the purpose of earning his livelihood. The relevant paragraphs of the said judgment are reproduced hereunder:

> *"5.The similar issue has been elaborately discussed by the Coordinate bench, Jaipur in the case of* ***Neeraj Saxena v. Rajasthan Electronics and Instruments Ltd. [S.B. Civil Writ Petition No. 16380/2024]*** *dated* ***23.10.2024*** *For ready reference, the relevant paragraphs of the order are being reproduced herein below:-*
>
> > *10. Hon'ble Apex Court in the case of Smt. Maneka Gandhi Vs. Union of India, reported in AIR 1978 SC 597, has held that the expression "personal liberty" under Article 21 of the Constitution of India has a wider amplitude which includes right to go abroad. A person cannot be deprived to this right except in accordance with the procedure prescribed by the law.*
> > *11. Similarly in the case of Satish Chandra Verma (supra), the Hon'ble Supreme Court has held as under:-*
> > *"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."*
> > *13. Even the Supreme Court of the United States in the case of Kent v. Dulles, reported in 357 US 116 1958, decided on 16.06.1958, has held as under:-*
> > *"(i) Freedom to go abroad has much social value and represents the basic human right of great significance.*
> > *(ii) Right to travel is a part of "liberty" of which a citizen cannot be deprived without due process of law."*

6.In this view of the matter, the Criminal Misc. Petition deserves to be allowed. The order dated 04.02.2025 passed by the learned Additional Chief Judicial Magistrate, Bhadra District Hanumangarh is set aside. The petitioner is permitted to go to Kuwait for a limited period i.e. for six months after his immigration check out so that he may not lose his job which he was doing since the year 2011 to earn his livelihood. The pendency of criminal case shall not be taken as an impediment against him for issuance of passport and obtaining a visa to visit Kuwait provided he furnishes a personal bond in the sum of Rs.10,00,000 as well as two surety bonds each of Rs.5,00,000/- of his father and mother residing here. He shall also furnish an undertaking to the effect that if any of the condition is contravened, his personal bond and amount of sureties so furnished shall be forfeited and amenable to recovery which shall thereafter be given to his wife. It is further made clear that his foreign visit shall not exceed more than six months from his immigration. After returning back, he shall join the court proceedings and during his absence, his counsel shall represent him in the trial Court."

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RAJASTHAN HIGH COURT
सत्यमेव जयते

7. In view of the same, the present Criminal Misc. Petition deserves to be allowed and is hereby allowed. The order dated 03.09.2016 passed by the learned Additional Sessions Judge, Deedwaana is set aside. The petitioner is permitted to go to Saudi Arabia for a period of one year so that he may not lose his job which he was doing to earn his livelihood. The pendency of criminal case shall not be taken as an impediment against him for issuance of passport and obtaining a visa to visit Saudi Arabia, provided he furnishes a personal bond in the sum of Rs.10,00,000 as well as two surety bonds each of Rs.5,00,000/- of his father and mother residing here. He shall also furnish an undertaking to the effect that if any of the condition is contravened, his personal bond and amount of sureties so furnished shall be forfeited and amenable to recovery which shall thereafter be given to his wife. After returning back, he shall join the court proceedings and during his absence, his counsel shall represent him in the trial Court.

Rajasthan High Court
सत्यमेव जयते
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8. Needless to say, the LOC, if any issued, shall not hinder his travel to Saudi Arabia or his return to India.

9. In this view of the matter, the instant criminal misc. petition is allowed. For further extension or visit to Saudi Arabia, the petitioner would be free to file a fresh application which shall be consider in accordance with law as per the status of the trial at that stage.

10. Stay petition stands disposed of.

(SUNIL BENIWAL),J

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Sushil Mahecha

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