



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 5848/2024

Mohammed Sadeeqe S/o Isaque Mohammad, Aged About 43
Years, Gali No. 2, Dhobi Talai, Bikaner (Raj.)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Shree Kant Verma

For Respondent(s) : Mr. Vikram Rajpurohit - PP

HON'BLE MR. JUSTICE ARUN MONGA

Order (Oral)

02/09/2024

1. The grievance of the petitioner (accused) is qua an order dated 14.08.2024 passed by the learned Additional Sessions Judge No.3, Bikaner in Criminal Misc. Case No. 158/2024 (CIS No.383/2024) arising out of an FIR No.13/2022 registered at Police Station Kotgate, District Bikaner for the offences under Sections 307, 147, 148, 341, 323, 324, 325, 326 & 120-B IPC read with Section 149 IPC and under Sections 27, 25(6), 25(7), 25(8), 3/25 and 5/25 of the Arms Act. The trial court dismissed the petitioner's application seeking permission to travel abroad for attending engagement ceremony of his daughter.

2. Relevant facts from the petition first. The petitioner intends to perform the engagement ceremony of his daughter, Sameera, with Husain, son of Murad Mohammed, a resident of Muscat, Oman. A visa has already been issued to him for the period from 18.07.2024 to 15.10.2024.

3. Heard.



4. I am of the view that the petitioner, though an accused, but still has a fundamental right to personal liberty, which includes the right to travel and participate in significant family events. Denying him the opportunity to attend his daughter's engagement ceremony would cause irreparable emotional harm and infringe upon his right to maintain familial bonds. No doubt, if he is found to be a flight risk, restrictions can be imposed by the trial court to ensure his return.

5. It appears that the petitioner has no intention of evading the judicial process. He is willing to comply with all conditions to be set by the trial court, including furnishing a personal bond, undertaking to return to India by a specified date, and submitting relevant travel documents such as air tickets. There is thus no reasonable apprehension that he will misuse the liberty granted to him.

6. Moreover, in the present case, out of the total 27 witnesses, the statement of only one witness has been recorded, indicating that the trial is moving at a slow pace. The conclusion of the trial will take an unduly long time, and it is unreasonable to deny the permission for daughter's engagement indefinitely based on the mere pendency of the trial.

7. The petitioner's brief travel for the engagement ceremony of his daughter will not adversely impact the ongoing trial. The trial court shall ensure that dates of his travel do not conflict with any scheduled court proceedings, and the petitioner's presence can be ensured by providing his updated contact details.

8. The suggestion that the petitioner can attend the ceremony virtually seems unjustified and disregards the cultural and



emotional significance of such an event. Virtual presence cannot substitute the physical presence of a father at his daughter's engagement, which is a once-in-a-lifetime event for both father and daughter.

9. In the premise, the petitioner is granted liberty to file a fresh application seeking permission to travel abroad for attending the engagement ceremony of his daughter, by providing details of the date of departure, arrival in India, proof of air tickets, and other relevant documents. Upon the petitioner's furnishing of the usual undertaking, the trial court shall grant the necessary permission subject to other reasonable conditions which it may deem fit to impose.

10. The petition is disposed of accordingly.

11. All pending application(s), if any, shall also stand disposed of.

(ARUN MONGA),J

100-AK Chouhan/-

Whether fit for reporting : Yes / No