



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



S.B. Criminal Miscellaneous (Petition) No.7062/2024

Charan Singh Singaria S/o Shri Om Prakash Singaria, Aged
About 48 Years, R/o House No. 197, A/21, Sukhadiya Nagar,
Malusar Road, Ajmer, Presently R/o 18/125, Hakkarabappa
Colony, Chembur, Mumbai-71



-----Petitioner

Versus

State Of Rajasthan, Through P.P.

-----Respondent

For Petitioner(s) : Mr. Peush Nag
For Respondent(s) : Mr. Rajesh Choudhary, GA-cum-AAG
Mr. Amit Punia, PP

JUSTICE ANOOP KUMAR DHAND

Order

09/12/2025

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned order dated 29.07.2024 passed by the Additional Chief Judicial Magistrate No.2, Ajmer (for short "the Trial Court") in Criminal Case No.26/2018 by which a direction has been issued to the Chief Passport Officer, Ministry of External Affairs, New Delhi and Regional Passport Officer, Jaipur to impound the passport of the petitioner.
2. Learned counsel for the petitioner submits that the petitioner is facing trial for the offences under Sections 420, 467, 468, 471, 406 & 120-B IPC. Learned counsel submits that at the time of registration of the FIR, the petitioner was having apprehension that he may be arrested by the Investigating Agency, hence, under these circumstances, he submitted an anticipatory bail application



No.16436/2017 before this Court and the same was allowed on 29.11.2017 with the condition that the petitioner would not leave the country without seeking prior permission of the Court. Learned counsel submits that since the proceedings pending before the Trial Court could not proceed for a considerable time and some dispute arose between the family members of the petitioner, i.e., between his sons, at the United States, therefore, in order to resolve the said dispute of the family, the petitioner travelled to the United States and behind his back, the order impugned has been passed on 29.07.2024 and a direction has been issued to impound his passport. Learned counsel submits that the petitioner appeared and surrendered before the Trial Court on 13.08.2024 and applied for getting bail under Section 437 Cr.P.C. However, the said application was rejected by the Trial Court on 13.08.2024. Thereafter, he submitted bail application under Section 439 Cr.P.C. before the Additional Sessions Judge No.1, Ajmer and the same was allowed on 17.08.2024 and a condition was put that the petitioner will not travel abroad without seeking prior permission of the Court. Learned counsel submits that now the petitioner is not in a position to get his passport renewed, in terms of the order dated 29.07.2024 passed by the Trial Court. Learned counsel submits that learned Trial Court has no power/jurisdiction to pass such an order. This power lies only with the Passport Authority, hence, the impugned order is not sustainable in the eyes of law and the same is liable to be quashed.

3. *Per contra*, learned Public Prosecutor opposes the prayer made by learned counsel for the petitioner and submits that conditional anticipatory bail was granted to the petitioner by this Court vide





order dated 29.11.2017 and a clear and specific condition was imposed on him that he will not leave the country without seeking prior permission of the Court. However, violating the aforesaid condition, the petitioner has travelled abroad, i.e., to the United States without seeking prior permission of the Court. Hence, the Trial Court has not committed any error in passing the order impugned, which warrants any interference of this Court and the instant misc. petition is liable to be rejected.



4. Heard and considered the submissions made at the Bar and perused the material available on the record.

5. Perusal of the record indicates that when anticipatory bail application of the petitioner was allowed, a clear and specific condition was imposed on him that he will not travel abroad without seeking prior permission of the Court. But inspite of the above, the petitioner has travelled to the United States. Hence, under these circumstances, no option was available with the court below but to forfeit his bail bonds and summon him through arrest warrants.

6. Since the condition imposed by this Court was violated by the petitioner, hence, under these circumstances, the order impugned was passed directing the Chief, Passport Officer, Ministry of External Affairs, New Delhi and the Regional Passport Officer, Jaipur to impound the passport of the petitioner.

7. The aforesaid act of the petitioner was totally unwarranted and he was supposed to abide by the conditions imposed by this Court. The aforesaid act of the petitioner amounts to disobedience of the order dated 29.11.2017 passed by this Court.



Though this Court hastens to add that this Court is taking a lenient view, but looking to the fact that at later stage the petitioner was taken in custody and sent to jail and thereafter he was released on bail on 17.08.2024 and again a condition has been put that he will not travel abroad without seeking prior permission of the Court.

8. It is a settled proposition of law that whenever any Court passes a order or issues any direction, every person or Authority, regardless of the rank, is duty bound to respect and comply with the said order. Disobedience of the orders passed by the Court attacks the very foundation of the rule of law, on which the entire democracy is based.

9. Today, the rule of law is recognized as a fundamental principle of democratic society around the world and is enshrined in the legal and constitutional system in many countries.

10. Rule of Law is a fundamental concept in democratic societies that refers to the principles that all individuals and institutions, including governments are subject to and accountable to the same laws and legal system. This means that no one is above the law and everyone must follow the law, regardless of their position or status.

11. This Court does not appreciate the aforesaid act of the petitioner as the same tantamounts to disobedience of the orders passed by this Court, but looking to the overall facts and circumstances of the case that the petitioner has remained in jail and his family members are residing abroad, therefore, he required passport to travel abroad. Right to travel abroad has been recognised as fundamental right contained under Article 21 of the Constitution of India. Under these circumstances, impounding of the passport of the





petitioner would amount to violation of his right to life and personal liberty, as guaranteed under Article 21 of the Constitution of India.

12. For the reasons stated above, the impugned order to the extent of impounding the passport of the petitioner stands quashed and set-aside. The Passport Authority is directed to release the passport of the petitioner forthwith. The petitioner is also directed to submit an undertaking before the Trial Court to the effect that after renewal of his passport, he will deposit the same before the Trial Court and will not travel abroad without seeking prior permission of the Court.

13. With the aforesaid observations, the instant criminal misc. petition, stay application as well as all applications (pending, if any) stand disposed of.

(ANOOP KUMAR DHAND),J

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