



[2024:RJ-JD:45692]

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

S.B. Criminal Misc(Pet.) No. 7535/2024

Jasvindra Kaur W/o Late Manprit, Aged About 24 Years, R/o Thaldka Barani, Tehsil Nohar, Dist. Hanumangarh, At Present R/o Ward No. 44 Sureshiya Colony, Hanumangarh Junction, Tehsil And Dist. Hanumangarh (Raj.)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Jaipal Singh

For Respondent(s) : Mr. Sriram Choudhary, Additional GA

HON'BLE MR. JUSTICE FARJAND ALI**Order****11/11/2024**

1. The instant criminal miscellaneous petition has been preferred by the petitioner being aggrieved of the order dated 18.10.2024 passed by the learned Judicial Magistrate, Nohar, whereby the application filed by the petitioner for grant of permission to go abroad and issuance of her passport has been rejected.

2. Briefly stated facts of the case are that the petitioner, against whom an FIR bearing No.426/2024 has been lodged at the Police Station Rawatsar, District Hanumangarh for the offences under Sections 420, 406, 467, 468, 470, 384 and 120-B IPC, preferred an application before the learned Judicial Magistrate, Nohar stating inter alia that she has taken admission in You Villa University, Brampton, Canada for pursuing BBC course and had gone to



Canada on three years' study visa. During her stay at Canada she gave birth to a girl child on 03.05.2024, who is citizen of Canada by birth. Since her husband expired in a road accident, she came to her in-laws' house on 22.06.2024 with her daughter, where she suffered beating and abuse at the hands of her matrimonial relatives, whereupon she lodged an FIR against them on 05.07.2024 bearing FIR No.184/2024 at the Police Station Mahila Thana, Hanumangarh. She alleged that as a counterblast of her FIR, her matrimonial relatives lodged the FIR No.426/2024 against her on 01.08.2024 at the Police Station Rawatsar and due to filing of the said FIR, her passport has been cancelled and she is unable to go to Canada for pursuing the course in which she has taken admission. She submitted that the classes for the aforesaid course has commenced on 07.10.2024. She further submitted that if her daughter stays at another country for more than 180 days, her citizenship of Canada shall be revoked as per the prevalent rules in Canada. Thus, by submitting the application before the court below she prayed for issuance of passport and grant of permission to go to Canada for study purpose. The learned court below vide the order impugned rejected the application of the petitioner.

3. Learned counsel for the petitioner while reiterating the facts narrated in the application submits that the petitioner's purpose of visiting Canada is to pursue studies. She has not been convicted by any court of law and the matter is pending investigation. She is having immovable properties at Hanumangarh and there is no chance of her absconding. Learned counsel for the petitioner



further submits that the petitioner is ready to furnish any undertaking as directed by this court. With these submissions, he prays for acceptance of the petition.

4. Per contra, learned Public Prosecutor vehemently opposed the submissions made by learned counsel for the petitioner and submits that if petitioner is granted permission to visit abroad, it will hamper the investigation of the case and it would be difficult to apprehend her if required.

5. Heard learned counsel for the parties and perused the material placed on record.

6. The petitioner is seeking permission to visit Canada for pursuing study of BBA course, in which she has taken admission. She has not been convicted and investigation of the case is going on. At this stage, it would not be justified to deny her permission to pursue studies as her future prospects depends upon it. This court is also conscious of the fact that the petitioner's daughter may lost her citizenship in case she does not go back to Canada in time. The apprehension raised by the learned Public Prosecutor can be taken care of by imposing appropriate conditions upon the petitioner.

7. In this background, the instant criminal miscellaneous petition is allowed. The petitioner shall be issued passport and she shall be allowed to leave India for a period of six months for pursuing her studies, subject to the condition that the father and



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mother of the petitioner shall furnish separate undertakings before the court concerned to the effect that the petitioner shall return to India upon expiry of a period of six months from the date of leaving India and if she does not return, each of them shall be liable to deposit Rs.5,00,000/- with the court below separately and in case they do not deposit the said amount, the Government will be free to proceed to recover the same in accordance with law.

**(FARJAND ALI),J**

64-Pramod/-