



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRR-134-2020**

Ram Lubhaya and others	....Petitioners
V/s	
State of Punjab and another	....Respondents

**Date of decision: 19.12.2025**

**Date of Uploading : 22.12.2025**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sandeep Arora, Advocate for the petitioners.  
 Mr. Adhiraj Singh Thind, AAG Punjab.  
 Mr. Dheerja, Advocate for respondent No.2.

\*\*\*\*\*

**SUMEET GOEL, J.**

1. The *petition in hand* has been preferred against the order dated 22.11.2019 passed by the learned Additional Sessions Judge, Jalandhar, to the extent, that while granting anticipatory bail to the petitioners (herein), a condition has been imposed whereby the petitioners (herein) have been directed to deposit their passports before the trial Magistrate.

2. A criminal complaint under Sections 307/323/452/499/500/506/511/148/149 IPC was filed by respondent No.2 (herein) against the petitioners alongwith others stating therein that on 17.11.2018, the accused persons, acting in conspiracy, forcibly demolished the one Foundation (Thara) alongwith idols of Lordshiva and his family in broad day light thereby intentionally hurting the religious sentiments of the complainant and other locality members. The incident was videographed by the complainant and reported to the Police. However, the Police officials failed to register an FIR and instead pressurized the complainant to compromise the matter. Thereafter, the accused repeatedly abused,



threatened and intimidated the complainant and his family including forcible entering into his house and physical assault, while claiming political influence. Despite repeated complaints and filing of an application under Section 156(3) Cr.P.C. and a suit for permanent injunction, no effective action was taken by the Police which necessitated the complainant to file the criminal complaint. Vide order dated 23.09.2019, the learned trial Magistrate directed for summoning of the accused (therein), including the petitioners (herein), for offences under Sections 323, 452, 500, 506, 511 and 149 of IPC. It is in this background, that the petitioners (herein) preferred an anticipatory bail plea before the Sessions Court, Jalandhar, which was granted by way of the impugned order but subject to condition(s), *inter alia*, of the petitioners (herein) depositing their passports before the learned trial Magistrate.

3. Learned counsel for the petitioners has argued that the limited challenge, to the impugned order, has been raised in the present petition vis.-a-vis. the imposition of the conditions of depositing of passports. Learned counsel has iterated that the petitioners have been falsely implicated into the criminal complaint in question. Learned counsel has further submitted that, even going by the summoning order passed by learned trial Magistrate, the petitioners (herein) have summoned only for offence(s) under Sections 323, 452, 500, 506, 511 and 149 of IPC. In these circumstances, the imposition of the condition requiring deposit of passports is wholly unwarranted, arbitrary and based on conjectures rather than any material on record. Learned counsel has further iterated that the petitioners are law abiding citizens with deep roots in society and there is no likelihood



of their absconding or evading the process of law. Learned counsel has emphasized that the passports of the petitioners are essential documents, frequently required for the purposes of identification and for meeting professional and personal obligations and the impugned condition causes undue hardship and is disproportionate, onerous and, thus, liable to be set-aside. On the strength of these submissions, the grant of petition in hand is entreated for.

4. Upon being called upon, State of Punjab has filed reply dated 02.11.2025. A *perusal of the* said reply reflects that the prime stand of the State is that the petition in hand emanates from a private criminal complaint and no FIR/complaint etc. is pending adjudication before the Police. Raising submission in tandem with the said reply, learned State counsel has sought for dismissal of the petition in hand *qua* State of Punjab.

5. A perusal of the order dated 10.08.2023 earlier passed by this Court, in the backdrop of the service report put up by the office, indicates that respondent No.2 stood served but neither he appeared in person nor any learned counsel appeared on his behalf. In the interest of justice, Ms. Dheerja, Advocate was appointed as a legal aid counsel for respondent No.2 so as to render assistance to this Court. Learned counsel appearing for respondent No.2 has argued that the petitioners (herein) pose a flight risk and, thus, it is with the objective of securing the ends of justice that the concerned Sessions Court has imposed condition upon the petitioners (herein) for deposit of their passports while extending them the concession of anticipatory bail. She has further submitted that the petitioners, but of course, are at liberty to seek for release of their passports by raising an



appropriate plea before the concerned Court in case they need them for travelling abroad etc or for any other purpose(s). On the strength of these submissions, dismissal of the instant petition is entreated for.

6. I have heard learned counsel for the rival parties and have gone through the available record.

### **Prime Issue**

7. The issue that arises for consideration in the *petition in hand* is as to whether the passport of the petitioner(s), which was deposited with the Court as a bail condition, ought to be directed to be released in the facts/circumstances of the case in hand.

The legal issue that arises for cogitation in the *petition in hand* is as to whether a Court while granting bail, whether regular bail in non-bailable offence(s) or anticipatory bail, can impose a condition upon the bail-applicant/accused to deposit his/her passport with the Court.

8. **Relevant statutory provisions**

I. Constitution of India

***Article 21. Protection of life and personal liberty.*** — *No person shall be deprived of his life or personal liberty except according to procedure established by law.*

II. The Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr. P.C., 1973')

**Re: REGULAR BAIL**

**SECTION 437**

*437. When bail may be taken in case of non-bailable offence*

*XX                    XX                    XX*

*(3) When a person accused or an offence punishable with imprisonment which may extend to seven years or more or of an*



offence under Chapter VI, Chapter XVI or Chapter XVII of the Indian Penal Code (45 of 1860) or abatement of, or conspiracy or attempt to commit, any such offence, is released on bail under sub (1), 4 [the Court shall impose the conditions,—

XX                    XX                    XX

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence, and may also impose, in the interests of justice, such other conditions as it consider necessary.

### **SECTION 439**

439. Special powers of High Court or Court of Session regarding bail.—(1) A High Court or Court of Session may direct—

(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of Section 437, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;

(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:

### **Re: ANTICIPATORY BAIL**

### **SECTION 438**

438. Direction for grant of bail to person apprehending arrest.

XX                    XX                    XX

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including—

XX                    XX                    XX

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 437, as if the bail were granted under that section.

III. The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS')



**Re: REGULAR BAIL**

**SECTION 480**

*480. When bail may be taken in case of non-bailable offence.*

XX                    XX                    XX

*(3) When a person accused or suspected of the commission of an offence punishable with imprisonment which may extend to seven years or more or of an offence under Chapter VI, Chapter VII or Chapter XVII of the Bharatiya Nyaya Sanhita, 2023 or abetment of, or conspiracy or attempt to commit, any such offence, is released on bail under sub-section (1), the Court shall impose the conditions,—*

XX                    XX                    XX

*(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence,*  
*and may also impose, in the interests of justice, such other conditions as it considers necessary.*

XX                    XX                    XX

**Re: ANTICIPATORY BAIL**

**SECTION 483**

*483. Special powers of High Court or Court of Session regarding bail.— (1) A High Court or Court of Session may direct,—*

*(a) that any person accused of an offence and in custody be released on bail, and if the offence is of the nature specified in sub-section (3) of section 480, may impose any condition which it considers necessary for the purposes mentioned in that sub-section;*

*(b) that any condition imposed by a Magistrate when releasing any person on bail be set aside or modified:*

XX                    XX                    XX

**Re: ANTICIPATORY BAIL**

**SECTION 482**



*482. Direction for grant of bail to person apprehending arrest.*

*XX XX XX*

*(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including—*

*XX XX XX*

*(iii) a condition that the person shall not leave India without the previous permission of the Court;*

*(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.*

*XX XX XX*

#### IV. The Passports Act, 1967

*Section 10. Variation, impounding and revocation of passports and travel documents.*

*XX XX XX*

*(3) The passport authority may impound or cause to be impounded or revoke a passport or travel document,—*

*XX XX XX*

*(e) if proceedings in respect of an offence alleged to have been committed by the holder of the passport or travel document are pending before a criminal court in India.”*

#### Relevant Case Law

3. The precedents, *apropos*, to the matter(s) in issue, are as follows:

##### I. Re: imposition of conditions by Court while granting anticipatory bail:

(i) The Hon'ble Supreme Court of India in a judgment titled as ***Munish Bhasin and others Vs. (Govt. of NCT of Delhi) and another, 2009 AIR Supreme Court 2072;*** has held as under:

*“8. It is well settled that while exercising discretion to release an accused under Section 438 of the Code neither the High Court nor the Session Court would be justified in imposing freakish conditions. There is no manner of doubt that the Court having*



*regard to the facts and circumstances of the case can impose necessary, just and efficacious conditions while enlarging an accused on bail under Section 438 of the Code. However, the accused cannot be subjected to any irrelevant condition at all. The conditions which can be imposed by the Court while granting anticipatory bail are enumerated in sub-section (2) of Section 438 and sub-section (3) of Section 437 of the Code. Normally, conditions can be imposed (i) to secure the presence of the accused before the investigating officer or before the Court, (ii) to prevent him from fleeing the course of justice, (iii) to prevent him from tampering with the evidence or to prevent him from inducing or intimidating the witnesses so as to dissuade them from disclosing the facts before the police or Court or (iv) restricting the movements of the accused in a particular area or locality or to maintain law and order etc. To subject an accused to any other condition would be beyond jurisdiction of the power conferred on Court under Section 438 of the Code. While imposing conditions on an accused who approaches the Court under Section 438 of the Code, the Court should be extremely chary in imposing conditions and should not transgress its jurisdiction or power by imposing the conditions which are not called for at all. There is no manner of doubt that the conditions to be imposed under Section 438 of the Code cannot be harsh, onerous or excessive so as to frustrate the very object of grant of bail under Section 438 of the Code.”*

(ii) The Hon'ble Supreme Court of India in a judgment titled as ***Kunal Kumar Tiwari @ Kunal Kumar Vs. The State of Bihar and another, 2017 AIR Supreme Court 5416***; has held as under:

*“11. There is no dispute that Sub-clause (c) of Section 437(3) allows Courts to impose such conditions in the interest of justice. We are aware that palpably such wordings are capable of accepting broader meaning. But such conditions cannot be arbitrary, fanciful or extend beyond the ends of the provision. The phrase 'interest of justice' as used under the Sub-clause (c) of Section 437(3) means "good administration of justice" or "advancing the trial process" and inclusion of broader meaning should be shunned because of purposive interpretation.”*



(iii) The Hon'ble Supreme Court of India in a judgment titled as ***Frank Vitis Vs. Narcotics Control Bureau and others, 2024 AIR Supreme Court 3418***; has held as under:

*"5. Apart from conditions (a) to (c) in Section 437(3) of the CrPC, there is a power to impose additional conditions "in the interest of justice". The scope of the concept of "interest of justice" in Section 437(3) of the CrPC has been considered by this Court in the case of Kunal Kumar Tiwari v. State of Bihar (2018) 16 SCC 74. In paragraph 9, this Court held thus:*

*"9. There is no dispute that clause (c) of Section 437(3) allows courts to impose such conditions in the interest of justice. We are aware that palpably such wordings are capable of accepting broader meaning. But such conditions cannot be arbitrary, fanciful or extend beyond the ends of the provision. The phrase "interest of justice" as used under the clause (c) of Section 437(3) means "good administration of justice" or "advancing the trial process" and inclusion of broader meaning should be shunned because of purposive interpretation."*

*6. In view of Section 438(2)(iv) of the CrPC, while granting anticipatory bail, the Court is empowered to impose the conditions as provided in Section 437(3) of the Cr. PC. While dealing with the condition which can be imposed while granting anticipatory bail, this Court, in the case of Munish Bhasin v. State (NCT of Delhi) (2009) 4 SCC 45, held thus:*

*"10. It is well settled that while exercising discretion to release an accused under Section 438 of the Code neither the High Court nor the Sessions Court would be justified in imposing freakish conditions. There is no manner of doubt that the court having regard to the facts and circumstances of the case can impose necessary, just and efficacious conditions while enlarging an accused on bail under Section 438 of the Code. However, the accused cannot be subjected to any irrelevant condition at all."*

*7. A broader meaning cannot be assigned to the words "interest of justice" in Section 437(3) of Cr. PC. By borrowing the language used by this Court in the above decisions, we can say that the bail conditions cannot be fanciful, arbitrary or freakish. The object of imposing conditions of bail is to ensure that the accused does not interfere or obstruct the investigation in any manner, remains available for the investigation, does not tamper with or destroy evidence, does not commit*



*any offence, remains regularly present before the Trial Court, and does not create obstacles in the expeditious conclusion of the trial. The Courts have imposed a condition that the accused should cooperate with the investigation when bail is granted before filing the final report or chargesheet. Cooperating with the investigation does not mean that the accused must confess. The conditions incorporated in the order granting bail must be within the four corners of Section 437(3). The bail conditions must be consistent with the object of imposing conditions. While imposing bail conditions, the Constitutional rights of an accused, who is ordered to be released on bail, can be curtailed only to the minimum extent required."*

## II. Re: Imposition of conditions by Court while granting regular bail:

The Hon'ble Supreme Court of India in a judgment titled as

***Hazari Lal Gupta Vs. Rameshwar Prasad and another, 1972 AIR Supreme Court 484;*** has held as under:

*"11. On behalf of the appellant it was said that sections 496, 497 and 498 of the Criminal Procedure Code in relation to bail did not confer any power on the court when granting bail to restrict the departure of the appellant from India by requiring the appellant to surrender the passport. Sections 496, 497 and 498 of the Criminal Procedure Code are not exhaustive of powers of the court in regard to terms and conditions of bail particularly when the High Court under Section 561A of the Criminal Procedure Code deals with cases of this type. The apprehension of the appellant jumping bail could not be brushed aside. If the appellant wanted to retain the passport the court might not have granted the appellant any bail."*

## III. Re: Impounding of passport under the Passports Act, 1967 vis-a-vis Cr.P.C:

The Hon'ble Supreme Court of India in a judgment titled as

***Suresh Nanda Vs. CBI, 2008 AIR Supreme Court 1414;*** has held as under

*"15. In our opinion, even the Court cannot impound a passport. Though, no doubt, Section 104 Criminal Procedure Code states that the Court may, if it thinks fit, impound any document or thing produced before it, in our opinion, this provision will only enable the Court to impound any document or thing other than a passport. This is because impounding a "passport" is provided for in Section 10(3) of the Passports Act. The Passports Act is a special law while the Criminal Procedure Code is a general law. It is well settled that the special law prevails over the general law vide G.P. Singh's Principles of Statutory Interpretation (9th Edition pg. 133). This principle is*



*expressed in the maxim "Generaliaspecialibus non derogant". Hence, impounding of a passport cannot be done by the Court under Section 104 Criminal Procedure Code though it can impound any other document or thing.*

*XX                   XX                   XX*

*17. We, however, make it clear that we are not expressing any opinion on the merits of the case and are not deciding whether the passport can be impounded as a condition for grant of bail."*

### **Analysis (re law)**

4. The statutory *schema*, premised upon an acknowledgment of the differential degrees of culpability and consequent societal peril, classifies offences into those that are '*bailable*' and those that are '*non-bailable*'. For offences which have been classified as '*bailable*', the right of the accused to be enlarged on bail is considered absolute and peremptory, operating as a matter of entitlement. In such cases, the concerned police officer, arresting the accused, is duly obligated to facilitate the release of the arrested accused, on furnishing bail bonds. Conversely, for offences falling within the classification of '*non-bailable*' a prudent exercise of judicial discretion by the Criminal Courts is necessitated. In such cases, the legislative *schema*, has reposed the authority upon the criminal courts to judicially determine the entitlement for release of an under-trial accused. The exercise of discretion by the Criminal Courts is a solemn duty of profound deliberation, necessitating consideration of several material factors, including, but not limited to; the inherent seriousness and consequent perilous societal impact of the alleged offence; the potential for the accused to tamper with or obfuscate oral/documentary evidence; and the demonstrable risk of the accused absconding, thereby frustrating the administration of justice. This deliberation mandates the Court to attain a judicious *equipoise*, balancing the overarching interest of the society as a



whole in the prosecution of criminal conduct against the constitutionally acknowledged mandate to shield an individual's (accused) fundamental right of liberty from undue and disproportionate curtailment. To adequately mitigate these potential risks, while recognising the principle that unnecessary curtailment of liberty is not the general rule, the Courts are empowered to adjoin specific and enforceable conditions to the order of granting bail. By way of provisions contained in Section 480 and Section 483 of BNSS, 2023 (erstwhile Sections 437 and 439 of Cr.P.C., 1973 respectively) in cases of regular bail & Section 482 of BNSS (erstwhile Section 438 of Cr.P.C., 1973) in cases of anticipatory bail, the legislature in its inherent wisdom, has conferred upon Criminal Courts, the prerogative discretion to impose conditions, as may be deemed *ex aequo et bono*, upon an accused being enlarged on bail. This discretion is principally designed to sub-serve the overarching objective of ensuring the smooth, continuous and efficacious trajectory of investigation/trial, without unduly/disproportionately impinging upon the accused person's right of Personal Liberty.

4.1. The statutory provision(s) empower a Court to impose "*such condition*", "*such other condition*", "*any other condition*" while granting bail (whether regular or anticipatory). These terms i.e. "*such condition*", "*such other condition*", "*any other condition*" by their inherent semantic ambiguity, consistently eludes any singular, precise or universally applicable definition, thereby mandating its interpretation strictly in accordance with the specific statutory context in which it is deployed. These terms demand a nuanced and careful interpretation. The Hon'ble Supreme



Court in the aureate enunciation contained in the cases of *Munish Bhasin*, and *Kunal Kumar Tiwari* (supra), which was reiterated in the case of *Frank Vitus* (supra), has held that the condition(s) while granting bail (whether regular or anticipatory) ought not to be harsh and un-compliable, so as to effectively take away the relief of bail. It is, thus, indubitable that the condition for deposit of passport ought not to be imposed in a mechanical manner while granting bail (whether regular or anticipatory). The terms '*such condition*', '*such other condition*', '*any other condition*' ought to be interpreted in view of the fact that these terms have been deployed in the provisions which provide for '*right of bail*' to the accused. The employment of general phraseology within the statutory provisions conferring the right of bail is not an authorisation for unfettered judicial discretion. Pertinently, the ambit of permissible conditions is strictly circumscribed by the '*doctrine of proportionality*' and '*reasonableness*'. This is in consonance with the principle that a grant cannot be effectively nullified by its attendant conditions, for which is given by one hand should not be withdrawn by the other. The conditions which are financially extortionate or logically impracticable or have the effect of imposing severe and collateral restraint upon the accused person's liberty, are considered *onerous* in nature, rendering the order of release nugatory or mere illusory.

5. The incessant *parley*, regarding the jurisdictional competence of a Criminal Court to require the '*deposit of a passport*' as a pre-condition for grant of bail is, more often than not, owing to the reliance upon the *dicta* of judgment by the Hon'ble Supreme Court in *Suresh Nanda* (supra). A precise exegesis of the *dicta* in *Suresh Nanda* (supra) reveals that its true



import relates to the exclusivity of the power to '*impound a passport*'; which, in view of Section 10(3) of the Passport Act, 1967; is solely vested in the designated Passport Authority as defined under section 2(c) of the Passport Act, 1967 and cannot be arrogated either by the court or the investigating agency. Pertinently, the Hon'ble Supreme Court in ***Suresh Nanda*** (supra) explicitly demarcated the issue of '*impounding of passport*' from the question of whether a Court possesses the authority to impose the '*condition of passport deposit*', leaving the latter question open for future determination. The power of '*impounding a passport*' is exercised upon the fulfilment of specifically enumerated statutory grounds under section 10(3) of the Passport Act, 1967 and serves an objective inherently distinct from that of discretion exercised by a court requiring '*deposit of passport*' as a pre-condition for release on bail, whether regular bail in non-bailable offence(s) or anticipatory bail. To state by way of simile, the distinction is as stark as between chalk and cheese and are constituents of two absolutely disparate legal procedures/actions.

5.1. The imposition of a restrictive covenant mandating '*depositing of passport*' by a Criminal Court is fundamentally rooted in its inherent and statutory power to regulate liberty of an under-trial accused. In absence of any express statutory prohibition contained either in the Passport Act, 1967 or the Cr.P.C./BNSS, a criminal court's discretion to impose such a *prophylactic* measure is governed by the court's aim to ensure uninterrupted attendance of the accused before it and to mitigate any substantial flight risk. The statutory provisions contained in BNSS, 2023 (Cr.P.C. earlier) clearly empower a Court to impose condition(s) as deemed appropriate by



the said Court. The condition for directing for deposit of passport, for being released on regular bail, is essentially included therein as enunciated by Hon'ble Supreme Court in case of ***Hazari Lal Gupta*** (supra). While directing for deposit of passport as a bail condition, such order does not amount to impounding/seizure of the said passport. Thus, this conundrum is set at naught.

Having said so, the authority vested in a Criminal Court to impose condition of '*deposit of passport*', ought not to be exercised in a *rote* or automatic manner and rather must stem from a deliberative assessment of peculiar factual matrix of each individual case. It must be acknowledged that the passport is not merely a travel document, but is often used, *inter alia*, as a proof of nationality and identity. *Ergo*, an order for '*deposit of passport*', as a pre-condition for bail, is justifiable only on the basis of objective factors indicating a clear and imminent threat to the administration of justice, and must not be employed as punitive measure against an under-trial accused, who is presumed innocent until proven guilty.

No exhaustive set of guideline(s) to govern, this aspect of the satisfaction of a Court can possibly be laid down, however, alluring this aspect may be. It is neither fathomable nor desirable to lay down any straightjacket formulation in this regard. To do so would be to crystallize into a rigid definition, a judicial discretion, which even the Legislature has, for best of all reasons, left undetermined. Any attempt in this regard would be, to say the least, a quixotic endeavour. Circumstantial flexibility, one additional, or different fact, may make a sea of difference between conclusions in two cases. Such exercise would thus, indubitable, be



dependent upon the factual matrix of the particular case which the Court is in seisin of, since every case has its own peculiar factual conspectus. Such judicial discretion, but of-course, ought to be exercised in accordance with the principles of justice, equity and good conscience. An age old adage reads, thus:

*"The judge even when he is free, is still not wholly free. He is not to innovate at pleasure. He is not a knight-errant roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles. He is not to yield to spasmodic sentiment, to vague and unregulated benevolence. He is to exercise a discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to the primordial necessity of order in the social life. Wide enough in all conscience is the field of discretion that remains."*

6. As a sequitur to the above rumination, the following postulates emerge:

- I. A Criminal Court is vested with the requisite inherent and statutory discretionary power; specifically drawn from the ambit of Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Sections 437 and 439 of Cr.P.C., 1973); to impose the condition requiring the '*deposit of a passport*' as a protective measure precedent to the enlargement of an accused person on bail, whether regular bail in non-bailable offence(s) or anticipatory bail.
- II. The judicial imposition of a requirement to '*deposit a passport*' constitutes a regulatory measure inherently distinguishable from the statutory power of '*impounding a passport*'. The latter is exclusively governed by Section 10(3) of the Passport Act, 1967, and vested solely in the designated Passport Authority. The Court's directive to '*deposit a passport*' does not, in law, *tantamount* to the seizure or impounding of the passport under the Passport Act, 1967.
- III. This discretionary power of ordering for '*deposit of passport*' ought not to be exercised in a *rote* or routine manner. The



passport functions as an indispensable document of nationality and identity, the condition for its deposit must be predicated upon a considered assessment of objective parameters indicating a clear and imminent threat of flight risk or obstruction of justice, thereby ensuring that such condition adheres strictly to the doctrine of proportionality.

IV. The articulation of exhaustive and prescriptive guidelines to govern this judicial discretion is neither feasible nor desirable. The exercise of this discretionary power must be predicated upon the peculiar factual matrix and *conspectus* of each individual case, necessitating the Court to achieve a meticulous *equipoise* between the societal interest in prosecution and the constitutional mandate of protecting the accused person's fundamental right to personal liberty.

#### **Analysis re: facts**

8. Reverting to the factual matrix of the case in hand, the petitioners (herein) have been summoned for the offences under Sections 323, 452, 500, 506, 511 and 149 of IPC. The petitioners were extended the concession of anticipatory bail way-back in the year 2019 and no instance of misuse of the same has been brought to the fore. The passport, is not only required as a travel document, but is also required for other purposes especially as means of identification. Ergo, keeping in view the entirety of the facts/circumstances of the case; including the nature of the allegations made against the petitioners (herein); this Court is inclined to modify the bail condition(s) by directing for release of passports of the petitioners.

9. In view of the preventient ratiocination, it is ordained thus:

(i) The impugned order dated 22.11.2019 passed by the learned Additional Sessions Judge, Jalandhar, Punjab is modified to the extent that,



the conditions imposed upon them for surrendering of their passports before the trial Magistrate, is quashed. Necessary consequences to follow.

- (ii) The petitioners (herein) are mandated to seek prior permission of the trial Magistrate before leaving the country.
- (iii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.
- (iv) Pending application(s), if any, shall also stand disposed off.

**(SUMEET GOEL)  
JUDGE**

December 19, 2025

*Ajay*

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No