IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

110 CRM-M-32180-2025 (O & M)
Date of decision: 19.09.2025

SATWINDER PAL SINGH

....Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rahul Bhargava, Advocate, for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

CRM-32931-2025

Having heard learned counsel for the parties and for the reasons mentioned in the application, the same is allowed. Amended petition is taken on record.

CRM-M-32180-2025

1. With the consent of learned counsel for the parties, the main case is taken on Board today itself.

2. The present petition has been filed under Section 482 Cr.P.C., for quashing the order dated 28.05.2025, Annexure P-1, passed by learned Special Judge, Ludhiana, whereby application seeking permission to go abroad (Canada) has been declined.

3. Learned counsel submits that the petitioner has previously been 7 times granted permission to go abroad as mentioned in paras 5 and

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6 of the amended petition, out of which on 11.09.2023, was by this Court, for six months and he always returned within the stipulated time. The father of the applicant had passed away in India on 11.05.2025, though a '*bhog'* ceremony was held in the village, however, since all his relatives are residing in Canada, while he is the only one back here, seeks permission to travel abroad for four months to perform the ceremonies there and share the grief.

4. In compliance to the directions passed by this Court on 10.09.2025, an affidavit has been submitted with regard to the properties owned by him, which read thus:

> i. Land admeasuring 9.1 Marla situated at Khawaspur, Tehsil and District Hoshiarpur, under M.C. limit, in the ownership of the petitioner vide vasika No. 6886 dated 15.02.2016 having market value of Rs. 40 Lakhs.
> ii. Land admeasuring 21.5 Marla situated at Khawaspur, Tehsil and District Hoshiarpur, under M.C. limit, in the ownership of the petitioner vide vasika No. 554 dated 19.04.2012 having market value of Rs. 78 Lakhs.
> iii. Agricultural land admeasuring 05 Kanals and 10 Marlas situated at Khawaspur, Tehsil and District Hoshiarpur, in the ownership of the petitioner vide vasika No. 9207 dated 08.03.2013 having market value of Rs. 39 Lakhs.
> iv. Agricultural land admeasuring 02 Kanals and 18 Marlas situated at Khawaspur, Tehsil and District Hoshiarpur, in the ownership of the petitioner vide vasika No. 1451 dated 02.06.2008 having market value of Rs. 25 Lakhs.
> v. Agricultural land admeasuring 2 Marlas situated at Khawaspur, Tehsil and District Hoshiapur, in the ownership of the petitioner vide vasika No. 766 dated 26.04.2016 having market value of Rs. 15 Lakhs.

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5. Learned State counsel, on instructions from Ravinder Kaur, Inspector Vigilance Bureau, states that the above has been got verified from the office of the concerned Tehsildar, and as per jamabandi for the year 2022-23, the petitioner is owner of 15 kanals 18 marla 5 sarsari comprised in khewat No.468, 1317, 1631, 927, 1338, 1339 and 1608. He prays that stringent conditions be imposed upon him in case he is to be granted the permission as sought.

6. Hon'ble The Supreme Court in the case of **Parvez Noordin Lokhandwalla vs. State of Maharashtra and another**, (2020) 10 SCC 77, wherein the relief to travel abroad was granted and in **Srichand P. Hinduja vs. State through CBI, New Delhi**, 2002 (3) RCR (Crl.), 186, wherein a condition to execute a bond was imposed while granting such permission. Further, in the case of **Satish Chandra Verma vs. Union of India and others** 2019(2) SCT 741, it was held that "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. (See Mrs. Maneka Gandhi v. Union of India and Another (1978) 1 SCC 248). In the said judgment, there is a reference to the words of Justice Douglas in Kent v. Dulles 357 US 116 which are as follows: "Freedom to go abroad has much social value and represents the basic human right of great significance."

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7. Keeping in view the aforesaid and in the interest of justice, prayer of the applicant-appellant is accepted. He is granted permission to travel abroad for a period of 4 months from the date of his departure, subject to the following conditions:

i. He shall furnish necessary bail bonds before the concerned Duty Magistrate/Chief Judicial Magistrate against his properties details of which are mentioned above by submitting the title deeds thereof.

ii. He shall furnish one surety of Sarpanch/Panch in the sum of Rs.25 lakh to the satisfaction of the concerned Duty Magistrate/Chief Judicial Magistrate.

iii. He shall also furnish a bank guarantee in the sum of Rs.10 lakh as a security with the concerned Duty Magistrate/Chief Judicial Magistrate, and an undertaking by way of an affidavit that if he fails to return within on expiry of the stipulated period of 4 days, the said amount shall be forfeited to the State.

iv In the undertaking by way of his affidavit, he shall also mention his itinerary, attach e-tickets and visa and state that he will appear within 5 days from the date of his return from abroad and surrender his passport forthwith.

v. He shall not visit any other country except the Canada during the said period for which the permission to travel abroad has been granted.

vi. Copies of this order be sent to the Embassy of the said Country situated at New Delhi.

vii. He shall furnish his mobile number and e-mail Id, at the time of furnishing sureties, which shall be kept operational at all times during the period of visit.

8. Disposed of accordingly.

19.09.2025 **(AMAN CHAUDHARY)**
JUDGE

parveen kumar

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

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