



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

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CRM-M-52004-2025 (O&M)

Date of decision: 26.09.2025

Ashok Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K.K. Goel, Advocate for the petitioner

Mr. Jasjit Singh, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS, for quashing the order dated 20.05.2025, Annexure P-4, passed by learned Special Judge, Ludhiana, dismissing the application for grant of permission to the petitioner to visit Australia.

2. Learned counsel submits that the daughter of the petitioner, who is residing in Australia, has suffered a spine injury, which has become chronic and she has a minor child aged 2 months as well, he thus had filed an application before the trial Court seeking permission to travel abroad, which however, has been wrongly dismissed vide the impugned order without properly appreciating the facts. This Court had vide order dated 15.02.2024, granted bail to the petitioner. He wants to visit his daughter so as to take care of her, thus, seeks permission to travel abroad for two months, which may be subject to any condition.

3. Reply dated 25.09.2025 by way of affidavit of Deputy Superintendent of Police, Vigilance Bureau, Economic Offences Wing, filed in the Court, is taken on record, relevant para with regard to verification of property details of the petitioner reads thus:



“4 That in respect of the application containing detail of the properties mentioned in para no. 2 to 4, verification from the office of sub registrar Barnala has been made by the deponent. As per the information provided by sub registrar Barnala vide letter no. 509 dated 23.09.2025 that sale deed bearing vasika no. 5131 dated 30.10.1987 stands in the name of the present petitioner Ashok Kumar son of Bidhi Chand, sale deed bearing vasika no. 1271 dated 20.05.2003 stands in the name of the Savita Kumari wife of Ashok Kumar and sale deed bearing vasika no. 3252 dated 15.09.2000 stands in the name of the Ashok Kumar son of Bidhi Chand. The certified copies of sale deeds Vasikas have also been provided to the deponent by the said office. The sub registrar barnala has also informed that the verification report with regard to the remaining properties, if any in the name of the petitioner is yet to be received from the office field Kanungo tehsil Barnala and the same will be sent as received in his office.”

4. Learned State counsel opposes, however, prays that stringent conditions be imposed upon the petitioner, in case he is to be granted the permission as sought.

5. 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.”

6. Keeping in view the aforesaid and in the interest of justice, prayer of the petitioner is accepted. He is granted permission to travel abroad for a period of 2 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 a family member 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 Australia 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.

7. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

26.09.2025

M.Kamra

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