

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-58964-2025 (O&M)
Date of decision: 01.12.2025

Baljinder Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. K. B. Raheja, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Amritpal Singh Gill, Advocate for the complainant/victim.

MANISHA BATRA, J. (Oral)

1. CRM-48245-2025

Allowed as prayed for. Complainant is ordered to be impleaded as respondent No. 2 to this petition. Amended memo of parties be tagged at the appropriate place in the file.

2. CRM-42947-2025

Allowed as prayed for. Document is taken on record.

3. CRM-48244-2025

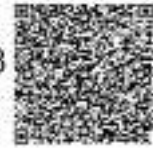
Allowed as prayed for.

Reply, filed on behalf of the complainant/victim, is taken on record.

4. Main Case

Through the instant petition, filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), the petitioner seeks
permission to go to England for a period of six months and for setting aside the

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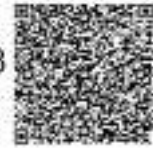
order dated 03.09.2025, passed by the Court of learned Judicial Magistrate First Class, Ludhiana in case FIR No. 62 dated 01.07.2024, registered under Sections 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Dehlon, District Ludhiana, whereby an application filed by the petitioner seeking aforementioned permission had been dismissed.

5. The petitioner has been booked in the aforementioned FIR on the allegations that the petitioner along with co-accused had hatched a conspiracy and had unlawfully taken into possession the original resolution register of Dera Harisar Sri Sri 108 Jagad Guru Dev Puri Ji Maharaj Trust and had tampered with and fabricated various resolutions and misused the bank account of the Trust to perpetuate their unlawful control of the management and assets of the Trust. During investigation, it has surfaced that the petitioner was the principal conspirator of the subject crime. The evidence collected during investigation conducted so far *prima facie* establishes active involvement of the petitioner in commission of subject offences. The case is still under investigation.

6. The petitioner had moved an application before the Court of learned Judicial Magistrate First Class, Ludhiana seeking permission to travel to England for a period of six months on the grounds of attending the birthday and wedding anniversary of her daughter, which were falling on 29.10.2025 and 31.10.2025, respectively. The said application had been dismissed by the Court concerned by passing the impugned order. The operative part of the impugned order reads as under:

“I have heard Ld. Counsel for both the parties and have perused the case file including the report submitted by the

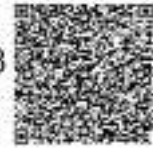
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SHO concerned and is of the considered view that no reasonable ground exists to allowed the present application. As per the reports submitted by the SHO concerned investigation of the present case file is still pending and therefore the presence of the accused may be required for investigation. Hence, the accused go abroad for a period of 6 months can hamper the investigation and therefore this court do not deem it proper to allow the present application. Same is hereby dismissed. Present papers be attached with the remand papers, if any pending. The case law cited by the applicant / accused are not applicable to the facts of the present case since in the present case investigation is still pending and final report is yet to be filed by the police.”

7. It is argued by learned counsel for the petitioner that the impugned order is not sustainable in the eyes of law as while passing the same, the Court concerned did not take into consideration the factual matrix of the case and that he has been falsely implicated in the present case. The petitioner has not met his daughter for a long time. He is a man of means and owns agricultural land. He had filed an affidavit along with *jamabandi* of his land to the effect that he would return to India on 28.02.2026 but the Court concerned did not take into consideration the same and dismissed the application only on the ground that the case was under investigation. It is further argued that the right to travel abroad to see children is a fundamental right of an individual and the pendency of criminal case is no ground to decline his permission to go abroad. The petitioner has been granted concession of anticipatory bail and has not misused the same. He is ready to abide by the terms and conditions to be imposed by this Court. It is, thus, urged that the impugned order is liable to be set aside and the petitioner

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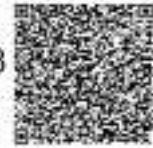


deserves to be granted permission to go to England enabling him to meet his daughter. In support of his arguments, learned counsel for the petitioner has relied upon the authorities cited as ***Maneka Gandhi Vs. Union of India and another : (1978) 1 SCC 248*** and ***Naginder Singh Rana vs. State of Punjab : 2004 RCR (Criminal) 912.***

8. Status report has been filed by the respondent-State. Learned State counsel, assisted by learned counsel for the complainant, has argued that there is no illegality or infirmity in the impugned order and the Court concerned had rightly rejected the prayer of the petitioner seeking permission to go abroad. During investigation conducted so far, the petitioner has come out as key conspirator of the offences committed. In case, he is permitted to leave India, there are strong chances that he would not return to India within prescribed time and the same will adversely affect the investigation, which is still pending and material evidence remains to be collected. While urging that the ground taken by the petitioner is not sufficient to allow him to travel abroad at this stage, the dismissal of the petition is prayed for.

9. Upon consideration of the rival submissions, perusal of the record and the legal position governing the grant of permission to an accused to travel abroad, this Court is of the considered view that the petitioner does not deserve the indulgence of this Court, at this stage. At the outset, it is not in dispute that the investigation in FIR No. 62 dated 01.07.2024 is still at a crucial and active stage. The status report clearly reflects that the petitioner has emerged as one of the principal conspirators in the alleged offences involving fabrication of the resolution register of the Trust and misuse of its bank accounts with an intent to

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unlawfully perpetuate control over its management and assets. Material evidence is yet to be collected. In such circumstances, the presence of the petitioner becomes indispensable for effective and expeditious investigation.

10. The Court must exercise great caution and circumspection before permitting an accused to go abroad as the possibility of the accused not returning cannot be ruled out. The right to travel abroad is not an absolute right and can be reasonably restricted in the interest of fair investigation and administration of criminal justice. Permitting an accused to leave the country during investigation may impede the process of law enforcement and, therefore, such requests must be declined where investigation is at a nascent or sensitive stage. The ratio of law laid down in the aforementioned judgments relied upon by the petitioner is not disputed but they are distinguishable as in those cases, investigation had been completed and trial was going on. However, in the present case, the investigation is still underway and the presence of the petitioner may be required any time. The right to travel abroad under Article 21 of the Constitution, though fundamental, is subject to reasonable restrictions imposed by procedure established by law, including the necessity of securing the presence of an accused during investigation. The pendency of a serious criminal case cannot be brushed aside on the ground of personal inconvenience.

11. The ground urged by the petitioner that he wishes to attend his daughter's birthday and wedding anniversary, which in fact had passed during the pendency of the petition, is entirely private and insufficient to outweigh the compelling public interest in ensuring a fair, uninterrupted investigation. It is also worth mentioning that the petitioner is seeking permission to travel abroad

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for a substantial period of six months, which enhances the apprehension that his return to the country may not be ensured. Merely filing an affidavit or producing documents of ownership of agricultural land cannot be accepted as a reliable guarantee for securing the petitioner’s return when weighed against the nature of allegations and the requirement of his availability during the ongoing investigation.

12. In view of the discussion as made above, this Court finds no infirmity in the order passed by the learned Judicial Magistrate First Class, Ludhiana. The Magistrate had rightly observed that allowing the petitioner to leave India at this stage may hamper the investigation and that the cases cited by the petitioner were inapplicable in view of the pendency of the investigation and the seriousness of the allegations. In view thereof, this Court is of the considered opinion that no ground is made out to interfere with the impugned order or to grant the permission sought by the petitioner. Hence, the petition is dismissed.

01.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No