



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

279

CRM-M-61575-2025 (O & M)

Date of decision: 23.12.2025

LOVEJOT SINGH JOHAL

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Rahul K. Adia, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)**CRM-5109-2025 and CRM-51077-2025**

Allowed as prayed for. Annexures P-12 and P-13 are taken on record, subject to just exceptions.

CRM-M-61575-2025

1. The present petition has been filed for quashing the order dated 19.09.2025 passed by learned Special Judge, Ludhaina, whereby application seeking permission to go abroad (Canada) has been declined.
2. Learned counsel refers to the affidavit of the petitioner dated 15.12.2025, Annexure P-13, in para 2 thereof, it has been stated that he is having valid Indian Passport bearing NO.WO205838 with date of expiry as 16.08.2032 and holding Permanent Resident (PR) of Canada for the last many years. As per the residency obligations under Canadian law, a Permanent Resident is required to remain physically present in Canada for at least 730 days within every 5 year period, thus, it is necessary for him to travel the said country. The immigration process of his wife will also be completed and approved only upon his physical presence there. Earlier,

he had also been granted such permission for 6 months, vide order dated 06.09.2024 passed in CRM-M-39902-2024, and returned within the stipulated period. Besides details of 2 properties in the aforesaid affidavit, 8 other properties have been mentioned in the affidavit, Annexure P-12. For the aforesaid purpose, he seeks permission to travel abroad w.e.f. 05.01.2026 to 05.07.2026.

3. Learned State counsel, on instructions, states that the offices of Tehsildars, Hoshiarpur and Jalandhar, have verified the details of the properties mentioned in the affidavits and affirmed the same to be in the name of the petitioner. He, however, prays that stringent conditions be imposed upon him in case he is to be granted the permission as sought.

4. 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 (CrI.), 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.”

5. 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 w.e.f. 05.01.2026 to 05.07.2026, 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 in the affidavits, Annexures P-12 and P-13 by submitting the title deeds thereof.
- ii. He shall furnish one surety of govt. official 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 aforesaid stipulated period, 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.

6. Disposed of accordingly.

23.12.2025

parveen kumar

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

(AMAN CHAUDHARY)
JUDGE