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

**CRM-M No.67664 of 2025
Date of decision : 03.12.2025**

Kuldip Singh @ Kuldip Singh Bhandal**.....Petitioners**

versus

State of Punjab and another**..... Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kulwant Singh Dhanora, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for modification of order dated 15.11.2025 passed by the learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar, vide which permission has been granted to wife of the petitioner to go abroad, i.e. Canada for a period of 03 months whereas permission has been declined to petitioner to go abroad, i.e. Canada during the pendency of the complaint bearing COMI-37-2020, dated 21.10.2020, under Sections 323, 341 & 509 of IPC, registered at Police Sation Mukandpur, District SBS Nagar, pending before the learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar and further prayed for seeking permission to go abroad, i.e. Canada for a period of 01 year.

2. It has been contended by learned counsel for the petitioner that the petitioner and his wife have been falsely prosecuted in COMI-37-2020, dated 21.10.2020, under Sections 323, 325, 341 & 509 of IPC and

Section 67 of IT Act, registered at Police Sation Mukandpur, District SBS



Nagar. He has submitted that thereafter, the learned Magistrate summoned the petitioner and his wife under Sections 323, 341 and 509 of IPC and dismissed the complaint under Section 325 of IPC and Section 67 of IT Act vide order dated 06.01.2023. He has further submitted that as the petitioner and his wife were not aware about the pendency of the present complaint and as such, both were declared as proclaimed persons vide order dated 05.05.2025. Being aggrieved, the petitioner and his wife approached this Court by way of filing CRM-M-37950-2025 praying for quashing of order dated 05.05.2025 and this Court vide order dated 25.07.2025 had disposed of the said petition subject to payment of costs of Rs.50,000/-. He has submitted that now the petitioner and his wife are regularly appearing before the learned trial Court. He has further submitted that son of the petitioner is minor and he is studying in Canada and thus, the petitioner and wife has filed an application for granting permission to go abroad during the pendency of the present complaint for a period of 01 year, however the learned trial Court has partly allowed the application by granting permission to the wife of petitioner, namely, Jasdeep Kaur only to go abroad from 15.11.2025 to 25.02.2026 vide order dated 15.11.2025 subject to furnishing personal bonds in the sum of Rs.5,00,000/- with one surety in the like amount. He has submitted that the application regarding the petitioner to go abroad was declined. He has submitted that the case is fixed for consideration and the presence of petitioner is not required for any proceedings. He has submitted that the petitioner undertakes that he will come back to India to attend the Court as and when called and he is ready to abide and comply with the order of this



Court and to furnish surety bonds or any other condition as ordered by this Court. He thus, prays that the order dated 15.11.2025 may kindly be modified and the petitioner be permitted to go abroad during the pendency of the complaint.

3. Notice of motion.

4. On asking of the Court, Ms. Ramta Chowdhary, DAG, Punjab, appears and accepts notice on behalf of the respondent-State. She has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner and his wife are the accused in the present complaint. She has submitted that earlier the petitioner and his wife were declared as proclaimed persons and the said order was set aside by this Court vide order dated 25.07.2025. She has submitted that the case is under investigation and thus, there are chances that the petitioner would not return to India. She has thus submitted that the present petition being devoid of any merit, deserves to be dismissed.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioners were prosecuted in COMI-37-2020, dated 21.10.2020, under Sections 323, 325, 341 & 509 of IPC and Section 67 of IT Act, registered at Police Station Mukandpur, District SBS Nagar. He has submitted that thereafter, the learned Magistrate summoned the petitioner and his wife under Sections 323, 341 and 509 of IPC and dismissed the complaint under Section 325 of IPC and Section 67 of IT Act. Due to non appearance of the petitioner and his wife, both were declared as proclaimed person. This Court vide order dated 25.07.2025, set aside the



order declaring the petitioner and his wife as proclaimed persons subject to payment of costs of Rs.50,000/-. Thereafter, due to the study of petitioner's minor son, who is studying in Canada, the petitioner and his wife filed an application before the learned trial Court to go abroad. However, the learned trial Court partly allowed the application by granting the permission only to the petitioner's wife to go abroad and the application with regard to the petitioner was declined. Keeping in view the facts and circumstances of the case, the Court is of the opinion that the petitioner has the fundamental right to travel abroad and thus, he deserves to be granted permission for travelling abroad.

7. Keeping in view the abovesaid facts and circumstances, the order dated 15.11.2025 passed by the learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar is modified to the extent that the application filed by the petitioner seeking permission to go abroad is also allowed from today i.e. 03.12.2025 to 25.02.2026 subject to depositing Rs.10,00,000/- as security before the learned trial Court, which will retain the same in the shape of FDR in a nationalized Bank in India having a scheduled branch at Nawanshahr. The petitioner is also directed to furnish personal bonds in the sum of Rs.5,00,000/- with one surety in the like amount, undertaking to appear in the Court on or before 25.02.2026 or earlier, if so directed by the Court. The petitioner would also file an affidavit before the trial Court undertaking that he will return to India within the time granted by this Court and would not seek extension of time in any circumstances. He will also furnish his complete address, phone number etc. and complete details of his movable and immovable

properties in India in the said affidavit. The petitioner will also return to India in terms of order dated 15.11.2025. Rest of the conditions mentioned in the order dated 15.11.2025 passed by the learned Judicial Magistrate First Class, Shaheed Bhagat Singh Nagar in the case of wife of the petitioner shall be the same.

8. The present petition stands disposed of in the abovesaid terms.

03.12.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No