

CRM-53319 of 2025 in/and
CRM-M-72096 of 2025

2025.PHHC.179429



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

CRM-53319 of 2025 in/and
CRM-M-72096 of 2025
Date of decision: 29.12.2025

Kuldeep Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Astik Vaid, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

CRM-53319 of 2025

1. This application has been filed by the applicant-petitioner for preponement of date of hearing of the main case.

2. It has been averred in the application that in the main petition, on 22.12.2025 notice of motion was issued and inadvertently fixed for 28.12.2025, which falls on Sunday. However, on the website, the next date of hearing reflects as 08.01.2026.

3. For the reasons mentioned in the application, same is allowed. Date of hearing of the main case is preponed from 08.01.2026 to today itself.

CRM-M-72096 of 2025

1. Instant petition has been filed by the petitioner under Section

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528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking permission to travel to United States of America, Dubai, Thailand and Bali.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in case FIR No.51 dated 14.09.2021 registered under Sections 406, 498-A, 506, 448, 380, 201, 120-B IPC at Police Station NRI, Mohali, in which he has been granted anticipatory bail by the learned Additional Sessions Judge, SAS Nagar. He further submits that the petitioner is a Green Card holder and to fulfill the green card conditions, he is required to visit USA before 09.01.2026 as well as Dubai, Thailand and Bali for promotion of his established business. He further submits that daughter of the petitioner has moved to USA to pursue higher studies, therefore, in addition to attend his business clients, petitioner is required to visit USA as a father to assist her daughter in settling down, including arranging accommodation and necessary logistical and financial support. Learned counsel further submits that application filed by the petitioner seeking permission to visit USA, Dubai, Thailand and Bali from 10.12.2025 to 28.02.2026 has been wrongly dismissed by learned Judicial Magistrate Ist Class, SAS Nagar, vide order dated 09.12.2025 (Annexure P-1), solely on the ground that the case is at the stage of consideration on charge and the presence of the petitioner is required so that the proceedings are not delayed. He further submits that petitioner has filed an application for discharge, which is fixed for 12.01.2026 for filing of reply by the State. He further submits that during the pendency of the FIR in question, petitioner has been granted permission to travel abroad on multiple occasions and he always

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returned in time without misusing the concession of bail or violating any condition(s) imposed by the Court. He further submitted that the petitioner undertakes not to travel beyond the jurisdiction allowed to him to travel. He further submits that the petitioner will keep his mobile phone switched on while his stay abroad and he will be present through video conference in the Court. He further submits that the petitioner possesses movable and immovable properties in India valued crores of rupees and he would furnish adequate surety/security to substantiate the fact that he would return in time. The petitioner further undertakes to abide by all the terms and conditions so imposed on him by this Court. In support of his contentions, learned counsel for the petitioner has placed reliance on the judgments of the Hon'ble Supreme Court in *Satish Chandra Verma v. Union of India*, 2019(2) SCT 741; *Parvez Noordin Lokhandwalla v. State of Maharashtra*, 2021 AIR Supreme Court 641; *Srichand P. Hinduja v. State through CBI, New Delhi*, 2002 AIR Supreme Court 401, judgments of this Court in *CRM-M-2150 of 2019 (Utkarsh Pahwa v. Assistant Director (PMLA), Directorate of Enforcement) decided on 23.01.2019*; *CRM-M-55434 of 2023 (Sangat Singh Gilzian v. State of Punjab) decided on 06.11.2023*; *CRM No.3400 of 2011 (Paramjit Singh and others v. State of Punjab) decided on 23.02.2011*; *Amit Sureshmal Lodha v. State of Haryana*, 2023(1) RCR(Criminal) 118 and the judgment of the Delhi High Court in *Criminal Appeal No.535 of 2019 (Mukesh Gupta @ Mukesh Kumar Gupta v. Central Bureau of Investigation) decided on 25.04.2025*.

3. Per contra, learned State counsel has opposed the prayer made

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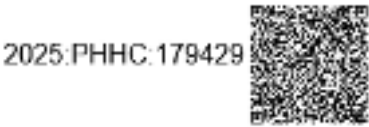
in the petition on the ground that the case is fixed for consideration on charge, therefore, personal presence of the petitioner would be required before the trial Court.

4. I have heard learned counsel for the parties and perused the record.

5. The law governing the question of grant of permission to the petitioner for travelling abroad during the pendency of the trial has been elaborately discussed by the Hon'ble Supreme Court and this Court and on the basis of the said authoritative pronouncements, it can be safely concluded that in normal circumstances, permission can be granted to the petitioner to travel abroad being his fundamental right to travel abroad but the conditions are to be imposed for regulating and securing his presence during the trial. However, this Court is required to draw a balance between the right of the petitioner to travel abroad and also the right of the prosecution to duly prosecute the petitioner so as to prevent him from evading trial.

6. Keeping in view the facts and circumstances of the case, petitioner is permitted to visit United States of America, Dubai, Thailand and Bali from 05.01.2026 to 04.02.2026, subject to his furnishing security/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. On furnishing the requisite security/surety in the form of undertaking, the passport of the petitioner be released to him immediately. However, in addition to conditions that may be imposed by the trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the

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following conditions: -

- 1. The petitioner shall furnish a bank guarantee/FDR of any nationalized bank to the tune of Rs.10 lakh or bonds to the tune of Rs.10 lakh with one surety of like amount which shall be retained by the Court having first lien over the same and in case the petitioner fails to appear in Court again, then the same shall be forfeited and the amount of Rs.10 lakh will be realized from the bank guarantee/FDR/surety and shall be forfeited to the State.
- 2. Petitioner shall furnish his correct and complete address abroad, where he is to stay.
- 3. Petitioner shall furnish his mobile number which shall be operative in USA, Dubai, Thailand and Bali.
- 4. He shall supply the photostat attested copy of the complete passport having visa of the above-countries.
- 5. On returning from abroad, the petitioner would immediately submit his passport with the concerned trial Court/CJM/Duty Magistrate within a week.
- 7. Disposed of.

29.12.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No