



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

CRM-M No.23882 of 2026

Date of decision : 06.05.2026

Ishar Singh

.....Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Jasdeep Singh Gill, Senior Advocate with
Mr. Jaswinder Singh Rana, Advocate
for the petitioner.

Mr. K.D. Sachdeva, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of order dated 13.02.2026 passed by learned Sessions Judge, Moga in FIR No.127 dated 12.12.2022, under Sections 307, 324, 506, 148, 149 of IPC, registered at Police Station Mehna, District Moga, vide which, an application seeking permission to go to United States of America, was dismissed.

2. It has been submitted by Senior counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the abovesaid FIR. He submits that the petitioner was prosecuted in FIR No.127 dated 12.12.2022, under Sections 307, 324, 506, 148, 149 of IPC, however during investigation, he was declared innocent. He submits that later on, the petitioner has been summoned under Section 319 Cr.P.C. He submits that the petitioner is a permanent resident of United States of America, where his family and business are based and his physical presence is essential for managing his business affairs and fulfilling statutory obligations. It is submitted that in these circumstances, visit of the



petitioner to United States of America is essential and hence, he filed application before learned Additional Sessions Judge, Moga seeking permission to travel abroad. However, the application has been rejected by learned Additional Sessions Judge vide impugned order dated 13.02.2026. It is submitted that the application filed by the petitioner was rejected on the ground that if permission is granted then there is every apprehension that he will misuse the concession or will not return back. It is submitted that the petitioner is ready to abide by the terms and conditions as imposed by this Court. He has further submitted that the petitioner has been prosecuted in a case, which is basically of civil nature, thus, right of the petitioner to travel abroad cannot be curtailed simply due to the pendency of the criminal case. He thus submits that the petitioner be granted permission to travel United States of America for a period of six months. 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 has submitted that the petitioner undertakes that any proceedings before the learned trial Court during the absence of the petitioner and in the presence of his lawyer shall bound the petitioner as if the petitioner was present there. He thus, prays that the order dated 13.02.2026 may kindly be set aside/quashed and the petitioner be permitted to go abroad during the pendency of the trial.

6. Reply by way of affidavit of Mr. Jasvarinder Singh, PPS, Deputy Superintendent of Police, Dharamkot, District Moga, filed by learned State counsel, is taken on record.

7. Learned State counsel has vehemently opposed the



submissions made by learned counsel for the petitioner and has submitted that the petitioner has planned for the commission of offence as mentioned in the FIR and the learned trial Court vide its order dated 14.07.2025 summoned the accused/petitioner under Section 319 Cr.P.C. as an accused for facing the trial. He has submitted that the trial of the present case is going on and there are chances that the petitioner would misuse the concession given and would not return to India. He has submitted that the petitioner has committed serious offence, thus, the present petition being devoid of any merit, deserves to be dismissed.

8. Heard. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was prosecuted in the above-mentioned FIR in which he was declared innocent. Thereafter, the learned Magistrate summoned the petitioner under Section 319 Cr.P.C. The petitioner filed an application before the learned trial Court to seek permission to go abroad. However, the learned trial Court dismissed the said application. 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.

9. Keeping in view the facts and circumstances of the case, the order dated 13.02.2026 passed by the learned Sessions Judge, Moga, is set aside and the petitioner is allowed to travel abroad w.e.f. 18.05.2026 to 18.09.2026 subject to the following conditions:

- (i) That the petitioner shall deposit Rs.30,00,000/- as security before the trial Court concerned, which will retain the same in the shape of FDR in a nationalized Bank for a period of two months.



- (ii) The petitioner is also directed to furnish surety bonds of one local surety in the sum of Rs.1,00,000/-.
- (iii) 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 on his return, shall surrender his passport with learned trial Court forthwith and would not seek extension of time in any circumstances.
- (iv) That the petitioner shall 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 return to India on or before 18.09.2026.
- (v) That the petitioner shall also furnish his complete address and contact details of his place of stay in the United States of America prior to leaving India.
- (vi) That any proceedings before the learned trial Court during the absence of the petitioner and in the presence of his lawyer shall bound the petitioner as if the petitioner was present there.
- (vii) That if the petitioner fails to abide by the above terms and conditions, the security deposited @ Rs.30,00,000/- would be forfeited to the State.

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

06.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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