

2026-PHHC-004080



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

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CRM-M-69918-2025 (O & M)

Date of decision: 14.01.2026

GURBAX KAUR PHANGOORA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. PS Ahluwalia, Sr. Advocate with
Mr. Keerat Dhillon, Advocate, for the petitioner.

Mr. Rahul K. Adia, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

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 submits that the petitioner is a permanent residence of Canada as per New Residence Card issued to her on 14.05.2025, valid upto 08.05.2030. 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 her to travel the said country. Earlier, she had also been granted such permission for 3 months, vide order dated 10.03.2025 passed in CRM-M-57460-2024, and returned within the stipulated period, wherein details of 3 properties have been mentioned. For the aforesaid purpose, she seeks permission to travel abroad w.e.f. 21.03.2026 to 21.09.2026.

3. Short reply on behalf of respondent-State filed in the Court, is taken on record.

4. Learned State counsel opposes the present petition but affirms the details of the properties mentioned above. He, however, prays that stringent conditions be imposed upon her in case she is to be granted the permission as sought.

5. 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 (Crl.), 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.”

6. Keeping in view the aforesaid and in the interest of justice, prayer of the applicant-petitioner is accepted. She is granted permission

to travel abroad w.e.f. 21.03.2026 to 21.09.2026, subject to the following conditions:

- i.
- She shall furnish necessary bail bonds before the concerned Duty Magistrate/Chief Judicial Magistrate against her properties details of which are mentioned above by submitting the title deeds thereof.

1	56 kanals 18 marlas in village Khanpur/239 Tehsil and District Hoshiarpur
2	18 kanals 12 marlas 7 sarsai in village Dheha Ram Nagar
3	4 kanals 3 marlas in village Khawaspur Tehsil and District Hoshiarpur

- ii.
- She shall furnish one surety of her family members in the sum of Rs.30lakh to the satisfaction of the concerned Duty Magistrate/Chief Judicial Magistrate.
- iii.
- She 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 she 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 her affidavit, she shall also mention her itinerary, attach e-tickets and visa and state that she will appear within 5 days from the date of her return from abroad and surrender her passport forthwith.
- v.
- She 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.
- She shall furnish her 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.

7. Disposed of accordingly.

14.01.2026

parveenkumar

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

(AMAN CHAUDHARY)
JUDGE