



**151+154 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision: 21.07.2025

1. CRM-M-37690-2025

SURINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

2. CRM-M-37889-2025

SURINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sarju Puri, Advocate
for the petitioner(s).

HARPREET SINGH BRAR, J. (ORAL)

1. This order of mine shall dispose of both the above-mentioned petitions as in both the petitions, relief and controversy is same and the FIRs in both the cases are registered against the petitioner. For the sake of brevity, facts are borrowed from *CRM-M-37690-2025* titled as *Surinder Singh vs. State of Punjab*.



2. The present petition has been preferred under Section 528 of BNSS, 2023 for quashing of order dated 13.05.2025 (Annexure P-1) passed by learned Chief Judicial Magistrate, SBS Nagar arising from FIR bearing No.85 dated 22.09.2023 registered under Sections 447, 511, 506, 427 and 379 of Indian Penal Code, 1860 at Police Station Sadar Banga, District SBS Nagar (Annexure P-5), whereby, the condition of furnishing bank guarantee in the form of FDR in the sum of Rs.10 lakhs has been imposed upon the petitioner for visiting abroad.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is a citizen of United Kingdom and he is 71 years of age surviving on pension. He further contends that the petitioner has been embroiled in several civil and criminal cases and three FIRs have been registered against him with regard to the dispute pertaining to the ancestral land jointly owned by the petitioner and his brother. Learned counsel submits that the civil Court is seized of the matter and civil suit is pending before learned Civil Judge (Jr. Divn.), SBS Nagar. It is further contended that the petitioner has been implicated only in order to restrain him from adducing his evidence as plaintiff. Furthermore, the dispute *inter se* parties is purely civil in nature and pending since year 2018. Moreover, the petitioner has already approached this Court seeking quashing of the FIRs in two of the criminal cases registered against him, in which, notice of motion has already been issued. Learned counsel submits that entire family of the petitioner is residing in United Kingdom (UK) and he has filed the application before the jurisdictional Court seeking permission to visit his family in United Kingdom for a limited period. Further, in both the cases, the investigating agency has not presented the final



report till date and it is still at the stage of investigation. Furthermore, the offences under which, both the FIRs have been registered are bailable in nature and custodial interrogation of the petitioner is not required in both the FIRs. Furthermore, the earlier permission granted by the jurisdictional Court to go abroad has lapsed due to the onerous condition imposed upon the petitioner i.e. deposit of Rs.10 lakhs. Moreover, the petitioner has no means of financial fortitude to arrange and furnish the bank guarantee of Rs.10 lakhs in both the cases and the condition of bank guarantee imposed by the jurisdictional Court upon the petitioner, while granting him the permission to go abroad is beyond his financial capacity. The onerous condition imposed upon the petitioner has completely suffocated the right of the petitioner to travel abroad, which is a part and parcel of his fundamental right. Reliance in this regard is placed on the judgment rendered by the Hon'ble Supreme Court in *Mrs. Maneka Gandhi vs. Union of India and another (1978) 1 SCC 248*. Further, the petitioner has approached this Court by way of filing a petition bearing *CRM-M No.23938 of 2025* titled as '*Surender Singh vs. State of Punjab*' (Annexure P-9). Further, the petitioner is a senior citizen and in United Kingdom, he is entitled to free health services provided by NHS and his travel to UK is also essential for his treatment of multiple long-term health conditions and the petitioner is ready to furnish alternate surety instead of bank guarantee. Learned counsel submits that the Co-ordinate Bench of this Court has disposed of the afore-mentioned petition and directed the jurisdictional Court to re-consider the case of the petitioner by accepting alternate surety instead of bank guarantee in accordance with law.

3. Notice of motion.



4. Mr. Subhash Godara, Addl. A.G., Punjab puts in appearance and accepts notice on behalf of the respondent-State. He could not controvert the facts and circumstances of the case order passed by the Co-ordinate Bench of this Court in *Surender Singh (supra)* (Annexure P-9).

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is a 71 years old man and being a citizen of United Kingdom, he has the right to travel abroad. Further, the petitioner is entitled to free healthcare under National Health Services (NHS) in the United Kingdom. In the present case, onerous condition of furnishing bank guarantee in the shape of FDR in the sum of Rs.10.00 lakhs of Nationalized Bank has been imposed as a prerequisite for the petitioner to visit abroad. Petitioner has been granted the permission to visit abroad on humanitarian and medical grounds, whereas keeping in view his circumstances, the condition imposed is excessive and counter-productive. A citizen cannot be priced out of his liberty by imposing such conditions. The objective of imposing a condition while allowing the petitioner to visit abroad is to secure compliance of order and his timely return. It should be ensured that the same does not act as an unreasonable barrier making it well-nigh impossible to even travel abroad.

6. In view of the above, the impugned orders dated 13.05.2025 and 03.05.2025 are set aside to the extent of imposing condition of furnishing bank guarantee of Rs.10.00 lakhs. The learned trial Court is directed to accept the alternative surety and the period of six months would commence from the date of furnishing the alternative surety.



**CRM-M-37690-2025
& 01 connected case**

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7. However, nothing observed hereinabove shall be construed as an expression of opinion of this Court on merits of the case. The learned trial Court is directed to proceed with the trial strictly in accordance with law, without being prejudiced by the same.

July 21, 2025
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |