



by the Court of Special Judge, Ludhiana in case titled as “State vs. Anand Sagar Sharma and others” bearing CRM-201-2025, CNR No. PBLD01-001400-2025, in FIR No.01 dated 10.02.2017 under Sections 409, 420, 467, 468, 471, 120-B IPC and Sections 13(1)(b) & 13(2) Prevention of Corruption Act, 1988, Police Station Economic Offence Wing, Ludhiana, District Ludhiana, whereby the application for seeking permission to go abroad moved by the petitioner has been dismissed.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in a case FIR No.01 dated 10.02.2017 under Sections 409, 420, 467, 468, 471, 120-B IPC and Sections 13(1)(b) & 13(2) Prevention of Corruption Act, 1988, Police Station Economic Offence Wing, Ludhiana, District Ludhiana (Annexure P-1). He further contends that in fact, the petitioner had no concern with the allegations leveled by the complainant in the present case and after investigation by a SIT of three Senior Police Officers, a cancellation report was prepared in the present case, however, the Special Court Ludhiana rejected the cancellation report and directions were issued to investigate the matter further. Ultimately, after further investigation, a challan was presented before the Special Court, Ludhiana, where the petitioner is facing the prosecution.

3. Learned counsel submits that the petitioner was granted the concession of anticipatory bail on 03.04.2017 and in the last eight years, the petitioner had never misused the concession of bail granted to him. Apart from that, in the past also, the petitioner has traveled to Canada multiple times with the permission of the Special Court and had returned every time without any breach



of conditions. He has also referred to the details of various foreign travels, which were allowed by the orders passed by Special Judge, Ludhiana and such details are as follows:-

Sr. No.	Period	country/Place	Order details
1.	01.12.2017 to 15.02.2018	Canada	Order dated 05.12.2017 passed by Ld. Special Judge, Ludhiana
2.	15.09.2018 to 19.01.2019	Canada	Order dated 01.09.2018 passed by Ld. Special Judge, Ludhiana
3.	15.12.2019 to 13.01.2020	Canada	Order dated 06.12.2019 passed by Ld. Special Judge, Ludhiana
4.	15.11.2020 to 15.04.2021	Canada	Order dated 16.12.2020 passed by Ld. Special Judge, Ludhiana
5.	15.11.2021 to 15.02.2022	Canada	Order dated 28.10.2021 passed by Ld. Special Judge, Ludhiana
6.	16.06.2022 to 16.07.2022	Canada	Order dated 09.06.2022 passed by Ld. Addl. Sessions Judge (Duty), Ludhiana
7.	16.12.2022 to 16.01.2023	Canada	Order dated 07.12.2022 passed by Ld. Special Judge, Ludhiana

4. Learned counsel further contends that the petitioner again moved an application in January 2025 before the Special Court, seeking permission to travel to Canada to meet his daughter. However, the said application was



dismissed, vide the impugned order dated 29.01.2025 on the sole ground that the wife and son of the petitioner were not appearing before the Investigating Officer of the case. In fact, the petitioner wanted to travel to Canada to find a suitable life partner for his daughter, so that she may be married timely. His daughter Ms. Noor has recently secured permanent residency in Canada and is of marriageable age. Consequently, it is the responsibility of the petitioner to ensure that she is settled happily in her matrimonial home. The relatives of the petitioner in Canada have introduced a prospective alliance and it is imperative for him to personally meet the family of the bride-groom, assess their values and to determine if the match is truly in the best interest of his daughter. He further contends that the petitioner has no criminal antecedents and was never declared as a proclaimed offender in any of the case. Learned counsel further contends that the petitioner is owner of various movable and immovable properties in village Fatehgarh Niara, Khawaspur, Hardo Khanpur, District Hoshiarpur. Apart from that, the petitioner owns movable assets of Rs.1,76,30,351/- as per certificate dated 15.05.2025 (Annexure P-2) issued by the Chartered Account. Thus, the petitioner has deep roots in the society and owns various movable or immovable assets. Learned counsel further contents that even the trial has not started against him and is listed before the trial Court for framing of charge on 06.09.2025. Still further, even his absence for the period of travel would in no way hinder the timely conclusion of the trial as the petitioner has no objection, if the trial proceeds in his absence as he would be duly represented by his counsel on each and every date. Even during investigation as well as trial, the petitioner had never absented and had no point



of time any delay has been caused due to his non-cooperation. He further contends that this Court may impose any other condition in the event of the grant of permission to travel abroad.

5. On the other hand, Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the son and wife of the petitioner have also been arrayed as accused in the present case. However, they are not appearing before the SIT and the application has been rightly declined by the Special Court, Ludhiana. Even in the past also, the permissions have been granted to him to travel abroad and now, he intends to go abroad, just to stop the trial proceedings.

6. I have heard the rival submissions made by the learned counsel for the parties and perused the record carefully.

7. Before proceeding any further, it would be appropriate to refer to the judgment passed by the Hon'ble Supreme Court in the matter of Menka Gandhi Vs. Union of India 1978 (1) SCC 248, whereby, the Hon'ble Supreme Court of India has held that no person can be deprived of his right to go abroad, unless there is a law enabling the State to do so and such law contains fair, reasonable and just procedure. The relevant extract of the judgment is reproduced below:-

Thus, no person can be deprived of his right to, go abroad unless there is a law made by the State prescribing the procedure for so depriving him and the deprivation is effected strictly in accordance with such procedure. It was for this reason, in order to comply with the requirement of Article 21, that Parliament enacted the Passport Act, 1967 for regulating the right to go abroad. It is clear from the



provisions of the Passports, Act, 1967 that is lays down the circumstances under which a passport may be issued or refused or cancelled or impounded and also prescribes a procedure for doing so, but the question is whether that is sufficient compliance with Article 21. Is the prescription of some sort of procedure enough or must the procedure comply with any particular requirements? Obviously, procedure cannot be arbitrary, unfair or unreasonable. This indeed was conceded by the learned Attorney General who with his usual candour frankly stated that it was not possible for him to contend that any procedure howsoever arbitrary, oppressive or unjust may be prescribed by the law.

Thus, it is apparent that such a right to travel abroad cannot be deprived except by the just, fair and reasonable procedure.

8. Still further, this Court has held in the matter of ***Utkarshh Pahwa Vs. Assistant Director (PMLA), Directorate of Enforcement, CRM M-20123 of 2022 decided on 13.05.2022*** that it can be safely concluded that in normal circumstances, permission could be granted to the petitioner to travel abroad as a right to right was a fundamental right and the same could be regulated by imposing conditions. The relevant extract of the judgment is reproduced below:-

"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 this Court in authority of ***Paramjit Kaur v. State of Punjab's case (supra) in which reliance was placed on Srichand P. Hinduja v. State through CBI, New Delhi 2002 (3) RCR (Criminal) 186 (SC), Arun Kapoor v. State of Haryana 2004 (4) RCR (Criminal) 594 (P&H), Brij Bhushan Singal v. Central Bureau of Investigation 1994 (3) RCR (Crl.) 498 (P&H), Anjal Kumar @ Angel Kumar v. State of Punjab***



2010 (1) RCR (Criminal) 201 and **Naginder Singh Rana v. State of Punjab 2004 (3) RCR (Criminal) 912** and on the basis of the said authoritative pronouncements of the Hon'ble Apex Court and this Court, 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.

6. Keeping in view the said ratio of the aforesaid authority of **Paramjit Kaur v. State of Punjab's case (supra)**, which is applicable to the facts of the present case, in which also the permission has been sought by the petitioner to travel abroad for a short duration for attending the marriage ceremony of his childhood friends and the supporting documents have also been placed on record, I grant permission to petitioner Utkarsh Pahwa to travel abroad for attending the marriage ceremony of his childhood friends Jay at Bangkok during the period from 25.1.2019 to 28.1.2019 and marriage ceremony of Medha Alhuwalia at Turkey from 08.2.2019 to 09.2.2019 subject to following conditions:-

(i) that the petitioner shall not seek extension of the period of his stay abroad at any ground whatsoever except in case of medical emergency and shall return to India from 1st trip by 29.1.2019 and by 10.2.2019 from the second trip.

(ii) that the petitioner shall not visit any other country except Thailand and Turkey.

(iii) that the petitioner shall not in any manner tamper with the evidence of the prosecution;

(iv) that the petitioner shall submit copy of his passport before visit and on return, within one week shall produce his passport in the court for placing on record its copy in respect of his said visit record;



(v) that the petitioner shall execute FDR/bank guarantee to the tune of Rs. 40 Lacs. This amount shall be returned to the petitioner when he will come back from his trips

7. Resultantly, petition is allowed in the above terms and the impugned order dated 2.1.2019 is set aside.

8. Since the main case has been decided, the pending CM, if any, also stands disposed of."

9. Even the Hon'ble Supreme Court of India in judgment titled *Satish Chandra Verma v. Union of India and others, reported as 2019 (2) SCT 741*, has also held that the right to travel abroad is an important basic human right and the said right also extends to private life- marriage, family and friendship. Relevant portion of the said judgment is reproduced herein-below: -

"5. The right to travel abroad is an important basic human right for it nourishes independent and selfdetermining 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, (1958) 357 US 116* which are as follows: "Freedom to go abroad has much social value and represents the basic human right of great significance."

10 In the present case also, it is apparent from the record that the FIR was registered against the present petitioner on 10.02.2017 and the proceedings are pending against him for over eight years. It is not in dispute that even the



SIT had earlier filed a cancellation report against him, but on the orders passed by the Special Court, further investigation was conducted, which ultimately led to filing of a challan against the petitioner. Even the petitioner was granted the concession of anticipatory bail on 03.04.2017 and there is no allegation that he had ever misused the concession of bail in any manner. Even in the past, as per history of foreign trips to Canada with Court order is concerned, the petitioner had been permitted to travel to Canada on seven occasions for different periods and he had returned every time without any breach of conditions. Even this time, he is willing to go to Canada to meet the family members of a boy, who is it prospective alliance for his daughter. In fact, as a father, it is his duty to personally interact with the family of the groom and to find out as to whether he is a suitable match for his daughter. Thus, denying this opportunity to the petitioner, at this crucial phase of his daughter's life would not only cause emotional distress, but will also prevent him from fulfilling his fundamental duty as a father.

11. Thus, the petition is allowed and the petitioner is permitted to travel to Canada from 10.09.2025 to 10.11.2025, subject to the following conditions:-

- (i) The petitioner shall file an affidavit before the trial Court that he shall have no objection if the trial proceeds in his absence and the proceedings are conducted in the presence of his counsel, during this period.*
- (ii) The copy of Jamabandi/documents of ownership pertaining to movable and immovable properties of the petitioner shall be deposited by the petitioner with the trial Court*



(iii) The petitioner shall not alienate any property mentioned in the petition during this period of two months.

(iv) During this period, the petitioner will not travel to any other country except Canada.

(v) The petitioner shall deposit his passport with the trial Court within a period of 15 days of his return from Canada.

12. Even, the trial Court shall be at liberty to impose any other condition, which may be deemed fit an appropriate in the peculiar facts and circumstances of the present case. The trial Court may also insist on two heavy sureties.

13. Pending application, if any, stands also disposed of.

(N.S.SHEKHAWAT)
JUDGE

22.08.2025
hemlata

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