

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****(232)****CRM-M NO.27900-2025****DATE OF DECISION: 05.09.2025**

Gurdial Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM HON'BLE MRS. JUSTICE RAMESH KUMARI

Present

Mr.Ritvik Garg, Advocate, for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

RAMESH KUMARI, J

1. The present petition has been filed under Section 528 of BNSS, 2023 seeking permission to travel abroad to USA.
2. Perusal of record reveals that FIR No.358 dated 30.12.2023, under Sections 420 and 120-B IPC, registered at Police Station Civil Lines Batala, District Gurdaspur was registered against the petitioner, who was granted benefit of pre-arrest bail vide order dated 05.08.2024 passed by Co-ordinate Bench of this Court in CRM No.31094-2024 in CRM-M-25339-2024 and one of the condition was that he shall not leave India without prior permission of the Court.
3. The contention of the learned counsel for the petitioner is that the petitioner is USA citizen and his whole business is there. In compliance of order of the Court, he had deposited Rs.35,00,000/- in the account of his son Gurbaj Singh. He has heart problem and requires medical treatment in USA. He has also placed on record the copy of Discharge Summary Ex.P16 issued by the Dayanand Medical College and Hospital, Unit Hero DMC Heart Institute, Ludhiana.
4. The first application seeking permission to travel abroad (USA) vide CRM No.10188-2025 in CRM-M-25339-2024 was withdrawn by the petitioner with liberty to take appropriate remedies as per law vide order dated 16.05.2025 (Annexure P-17).



5. FIR No.358 dated 30.12.2023 was registered against the petitioner on the basis of complaint No.4092 dated 08.08.2023 submitted by father-in-law of petitioner and grand-father of his son Gurbaj Singh. The allegations against the petitioner are that Amritpreet Singh son of complainant Sucha Singh sold 07 kanals 13 marlas of land situated in village Khateeb/243, Tehsil Batala, Distt. Gurdaspur including Tubewell 5 Hours Power including Rasta in favour of Gurbaz Singh (minor) son of Gurdial Singh, resident of village Thriewal, Tehsil Batala. The petitioner after playing a fraud took Guardianship of Gurbaz Singh from the Court by placing on record wrong papers and making wrong statement had illegally transferred the aforesaid land in favour of his mother Sukhjit Kaur.

6. The contention of learned counsel for the complainant is that FIR is falsely registered against him. Complainant Sucha Singh took money from the petitioner to purchase property in his name but inadvertently and illegally he got the property in the name of complainant's son and thereafter it was transferred in favour of Gurbaj Singh son of the petitioner and thereafter said property was transferred to Sukhjit Kaur (co-accused) by petitioner. The FIR is stayed by this Hon'ble High Court and the petitioner has bonafide intention towards the welfare of his son as he has deposited Rs.35,00,000/- in the account of the son. The petitioner has dispute with Rajwinder Kaur mother of Gurbaj Singh, who is residing in USA. Custody of the child and visiting rights were also given to the petitioner after divorce with Rajwinder Kaur, mother of Gurbaj Singh. The petitioner was in urgent need of money for the welfare of the child and he sold the property of his minor son with the permission of the Court, which was granted vide judgment dated 27.11.2014 (Annexure P6) and now he is to go USA as he has no concern, no business in India and he needs to get himself medically examined in USA.

7. The State filed reply by way of filing affidavit contested the application on the ground that the intention of petitioner is to avoid the process of



law as he once went abroad, will not return to face the criminal proceedings. He has no intention to return back and this will hinder the investigation.

8. The present petition is a simplicitor for grant of permission to the petitioner to go abroad. While deciding this petition, the Court is not to go into the merits of FIR. The proceedings of FIR are stayed vide order dated 16.09.2024 passed in CRM-M-45950-2024. The petitioner is USA resident. In case he is ill, he can get himself medically treated in hospital in Punjab or Chandigarh. It is not the case of the petitioner that because of his absence in USA, his business is suffering. No exigency is shown to be made out.

9. Therefore, there is no ground granting him permission to leave the country to go abroad (USA).

10. In view of the above, petition is dismissed.

05.09.2025
mamta

(RAMESH KUMARI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No