

Aman Garg Vs. CBI

CRM-935-2026

Present: Ms. Arzoo Modi, Advocate counsel for applicant Aman Garg.
Ms. Liza Grover, Ld. Public Prosecutor for the CBI.

ORDER :

1. Heard on the application for obtaining permission to go abroad i.e. Japan from 30.08.2026 to 12.09.2026 and to Ghana from 25.09.2026 to 05.10.2026 for business purposes.
2. Notice of the application was given to CBI. Reply filed.
3. Record perused. Heard.
4. Perusal of the file indicates that the passport of the applicant is already part of the judicial file. The applicant is one of the accused in case No. RC2192020E0002 dated 27.02.2019, under Sections 120-B r/w 420, 467, 468 & 471 IPC, registered at CBI/EO1/New Delhi, titled as 'CBI Vs. MRG Auto Pvt. Ltd. & Ors.' being Director of the company.
5. It is trite to state that pendency of criminal case cannot be the ground to deny passport facilities to the petitioner since petitioner's right to personal liberty not only includes petitioner's right to travel abroad, but also petitioner's right to possess or hold a passport.
6. An undertrial is entitled to hold passport under the procedure laid down under the Passports Act, 1967 and also the principle laid down by the Hon'ble Supreme Court reported in 2020 CrL.J. (SC) 572 in "**Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation**".
7. It is also relevant to note that the Apex Court in **Vangala Kasturi Rangacharyulu's case (cited supra)** had an occasion to examine the provisions of the Passports Act, 1967, pendency of criminal cases and held that refusal of a passport can be only in case where an applicant is convicted during the period of five

*Special Judge, CBI, Punjab
S.A.S. Nagar (Mohali)
(UID No.PB0515)*

(05) years immediately preceding the date of application for an offence involving moral turpitude and sentence for imprisonment for not less than two years.

8. The Apex Court in another judgment reported in **2013 (15) SCC page 570 in Sumit Mehta v State of NCT of Delhi** at para 13 observed as under:

“The law presumes an accused to be innocent till his guilt is proved. As a presumable innocent person, he is entitled to all the fundamental rights including the right to liberty guaranteed under Article 21 of the Constitution of India.”

9. The Apex Court in **“Maneka Gandhi vs Union of India” reported in 1978 (1) SCC 248**, 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. Para 5 of the said judgment is relevant and the same is extracted 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 Passports Act, 1967 for regulating the right to go abroad. It is clear from the provisions of the Passports, Act, 1967 that it 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. Therefore, such a right to travel abroad cannot be deprived except by just, fair and reasonable procedure”.

10. The Division Bench of the Apex Court in its judgment dated 09.04.2019 reported in **2019 SCC online SC 2048 in Satish Chandra Verma v Union of India (UOI) and others** observed at para 5 as under:

“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 which are the basic humanities which can be affected through refusal of freedom to go abroad and this freedom is a genuine human right.”

11. Referring to the said principle and also the principles laid down by the Apex Court in several other judgments, considering the guidelines issued by the Union of India from time to time, the Division Bench of High Court of Punjab and Haryana at Chandigarh in **“Noor Paul Vs. Union of India”** reported in **2022 SCC online P & H 1176** has held that a right to travel abroad cannot be deprived except by just, fair and reasonable procedure.

12. The Andhra Pradesh High Court reported in 2023 (4) ALT 406 (AP) in **“Ganni Bhaskara Rao Vs. Union of India and another”** at paras 4, 5 and 6, has observed as under:

“This Court after hearing both the learned counsel notices that Hon'ble Supreme Court of India, in Criminal Appeal No. 1342 of 2017, was dealing with a person, who was convicted by the Court and his appeal is pending for decision in the Supreme Court. The conviction was however stayed. In those circumstances also it was held that the passport authority cannot refuse the "renewal" of the passport.

This Court also holds that merely because a person is an accused in a case it cannot be said that he cannot "hold" or possess a passport. **As per our jurisprudence every person is presumed innocent unless he is proven guilty. Therefore, the mere fact that a criminal case is**

pending against the person is not a ground to conclude that he cannot possess or hold a passport. Even under Section 10 (d) of the Passports Act, the passport can be impounded only if the holder has been convicted of an offence involving "moral turpitude" to imprisonment of not less than two years. The use of the conjunction 'and' makes it clear that both the ingredients must be present. Every conviction is not a ground to impound the passport. **If this is the situation post conviction, in the opinion of this Court, the pendency of a case/cases is not a ground to refuse, renewal or to demand the surrender of a passport".**

13. Be that as it may, it is beyond cavil that right to travel abroad is a facet of right to personal life and liberty and the same cannot be curtailed except by following due process of law. Applicant-accused has strong roots in India. He is regularly appearing in the trial.

14. Earlier also, the applicant was granted permission to visit abroad by this Court vide order dated 26.08.2025 and he duly abided by the conditions of that order. The case is at its initial stage and charge is yet to be framed in the trial.

15. Learned counsel for the applicant contends that passport of the applicant is in the custody of the Court and therefore, it may also be released as she inadvertently omitted to mention the same in the prayer clause.

16. In the aforesaid view of the matter, the application stands allowed and his passport is ordered to be released and applicant is granted permission to travel abroad i.e. Japan from 30.08.2026 to 12.09.2026 and to Ghana from 25.09.2026 to 05.10.2026, subject to the following conditions:

- i. He shall furnish personal bonds to the tune of Rs.30 Lacs with one surety/bank guarantee/FDR in the like amount before this court.
- ii. He shall furnish affidavit detailing the immovable assets/properties in his name.

- iii. He shall furnish an affidavit stating that his counsel shall continue to appear in the court on each and every date of hearing and all proceedings including framing of charges, recording of evidence etc. may be conducted by the court in the presence of his counsel and further the court shall be at liberty to appoint amicus curie in the event of absence of his counsel who shall be authorized to conduct all proceedings on his behalf in the court and he shall not dispute his identity at any stage of the proceedings conducted during the above period.
- iv. He is directed to furnish his correct and complete address of his stay in Italy before this court.
- v. He is also directed to supply his operational mobile number which shall be operational in Japan and Ghana and he is also directed to supply his mail I.D. if any, to this court.
- vi. He is also directed to supply the photostat attested copy of the complete passport having visa of Japan and Ghana to this court.
- vii. He will not change his counsel without permission of the Court.
- viii. The applicant shall return from Italy on or before **05.10.2026** and deposit his passport in the court within 15 days thereof.

17. The application stands allowed in the above terms. Application be attached with main file.

PRONOUNCED IN OPEN COURT
ON: 12.08.2026.

(BALJINDER SINGH SRA)
SPECIAL JUDGE, CBI, PUNJAB
SAS NAGAR (MOHALI).
(UID NO.PB0515)

Pawan Kumar,
Stenographer Grade-II

*Special Judge, CBI, Punjab
S.A.S. Nagar (Mohali)
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Aman Garg Vs. CBI & Anr.

CRM-935-2026

Present: Ms. Arzoo Modi, Advocate counsel for applicant Aman Garg.
Ms. Liza Grover, Ld. Public Prosecutor for the CBI.

In pursuance to notice, Ms. Liza Grover, Public Prosecutor for the CBI put appearance on behalf of respondent/CBI. Reply to application is also filed. Copy supplied.

Record perused. Arguments heard.

Vide my separate detailed order of even date, application for permission to travel abroad and release of passport has been allowed.

Papers be attached with the main file.

PRONOUNCED IN OPEN COURT

ON: 12.08.2026.

(BALJINDER SINGH SRA)
SPECIAL JUDGE, CBI, PUNJAB
SAS NAGAR (MOHALI).
(UID NO.PB0515)

Pawan Kumar,
Stenographer Grade-II