

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

COCP No.2831 of 2015 (O&M)

Date of Order: 01.12.2015

Harmail Singh

....Petitioner

Versus

Harmanbir Singh Gill

....Respondent

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Indresh Goel, Advocate for the respondent.

RAKESH KUMAR JAIN, J (ORAL)

One FIR No.328 of 2009, under Sections 419,420,465,468,471,120-B IPC and Section 12 of the Passport Act was registered against the petitioner at P.S Division No.4, Jalandhar. After investigation, cancellation report was presented on 01.11.2014 but the Passport Authorities did not agree with the cancellation report. The Chief Judicial Magistrate, Jalandhar, vide order dated 02.06.2015 directed the police to make further thorough investigation in this case, but prior to it, the petitioner had also moved an application to the Chief Judicial Magistrate for returning his Passport No.G7940132, on the ground that his wife is suffering from blood cancer, who has been advised for an operation to be conducted at Leicester (U.K.) for which the petitioner needs his passport.

The Chief Judicial Magistrate, Jalandhar allowed the application for returning the passport, vide order dated 02.06.2015, directing the Regional Passport Authority to release the passport of the

petitioner subject to his furnishing indemnity bond in the sum of Rs.10 lacs with one surety in the like amount to its satisfaction.

In compliance of the order dated 02.06.2015, the petitioner offered indemnity bond and surety but the Passport Officer refused to take the same stating that there is no such provision under the Passport Act, 1967 for its acceptance. The petitioner approached the Chief Judicial Magistrate, Jalandhar again for clarification of the order but vide order dated 29.8.2015, he granted liberty to the petitioner to initiate contempt proceedings against the concerned Authorities in accordance with rules and provisions of law.

On the other hand, the Passport Authorities had also moved an application to the Chief Judicial Magistrate on 02.09.2015 in which prayer was made that the condition of acceptance of indemnity bond of Rs.10 lacs may be withdrawn as there is no such provision in the Passport Act. The Chief Judicial Magistrate, Jalandhar did not pass any order on the said application and because of this reason, the petitioner is suffering as he is unable to visit U.K to attend to his ailing wife.

I have heard learned counsel for the parties and after perusal of record, the present petition is disposed of by modifying the order passed by the Chief Judicial Magistrate, Jalandhar directing him to accept the indemnity bond as ordered by him and thereafter the Passport Officer is directed to release the passport of the petitioner forthwith so that he can visit U.K to attend to his ailing wife.

December 01, 2015
manoj

(RAKESH KUMAR JAIN)
JUDGE