

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

CRM-M-No. 4147 of 2015
Date of decision: 13.07.2015

Kuldeep Singh **-----Petitioner (s)**
V/s
State of Punjab and another **-----Respondent(s)**

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. B.P.S. Virk, Advocate for the petitioners.

Mr. R.S. Nain, AAG, Punjab.

None for respondent No.2

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of the order dated 03.12.2014 (Annexure P-1) passed by Sub Divisional Judicial Magistrate, Budhlada, whereby application of the petitioner, namely, Kuldeep Singh for returning/releasing his original passport No. E-4407187 has been declined and further directing the Court of SDJM, Budhlada to return/release the original passport No. E-4407187 of the petitioner which is annexed with the case file No.151, dated 09.08.2006 RT No. 344, dated 19.05.2007, titled as "State Vs. Kuldeep Singh etc".

Learned counsel for the petitioners submits that FIR No. 117, dated 03.08.2005, in a Police Station, Budhlada, under Sections 419, 420, 493 and 120-B IPC, was registered against him. He was put to trial and the trial Court vide judgment dated 24.12.2012 has acquitted the petitioner. He further submits that

respondent No.2 (complainant in the FIR) was not satisfied with the judgment dated 24.12.2012 and, therefore, he filed an appeal challenging the said judgment. Even the said appeal was dismissed by the Appellate Court vide judgment dated 13.02.2014. It is after dismissal of the aforesaid appeal, the petitioner has moved an application dated 22.08.2014 in the Court of Sub Judicial Magistrate, Budhlada, for the release of his aforesaid passport.

Learned counsel for the petitioner while drawing attention of this Court to the statement dated 12.11.2014 suffered by respondent No.2(complainant), namely, Sukhpal Singh submits that the complainant has given no objection for the return of the original passport. The statement suffered by Sukhpal Singh, reads as under:-

"Statement of Shri Sukhpal Singh age 48 years son of Sh. Harnek Singh S/O Sh. Inder Singh agriculturist, Village Alampur Mandra.

-----Complainant.

It is stated that I have filed criminal appeal in the Hon'ble High Court against the order dated 06.2.2013 and 13.2.2014. The passport of Kuldeep Singh son of Joga Singh, resident of Alampur Mandra is kept in file of this case. I have no objection to return the original passport to Kuldeep Singh.

RO & AC
Sd/- Sukhpal

Sd/-Ravi Gulati
SDM Bhudhlada"

Learned State counsel, on instructions from Head Constable-Jagdev submits that since the complainant has preferred an appeal which find mentioned in the statement dated 12.11.2014 suffered by Sukhpal Singh, petitioner is not entitled for the release of the passport.

In this case, notice was issued for 06.04.2015 and the case was adjourned for today, but nobody is present on behalf of respondent No.2-complainant and office report shows that service is complete.

I have considered the contention advanced by learned counsel for the parties. Considering the fact that the petitioner was acquitted by the trial Court vide judgment dated 24.12.2012 and even the appeal filed against the said judgment has been dismissed by the appellate Court vide judgment dated 13.02.2014, the passport of the petitioner cannot be withheld for indefinite period. Admittedly, as per the available record, the judgment of acquittal has not been stayed.

In view of the above, there is no reason for the trial Court to decline the prayer of the petitioner for the release of the said passport. Accordingly, the present petition is accepted and the order dated 03.12.2014 whereby application of the petitioner for the release of passport is dismissed, is set aside. The trial Court is directed to release the passport No. E-4407187 of the petitioner forthwith.

However, in case the trial Court finds that if there is any issue regarding filing of appeal, it may impose any reasonable condition as warranted by law.

July 13, 2015
Anjal

(HARI PAL VERMA)
JUDGE