

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

**CWP No. 12987 of 2015
Date of decision: October 07,2015**

Santokh Singh	Versus	...Petitioner
Union of India and ors.		...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Rajiv Joshi, Advocate
for the petitioner.
Mr. Indresh Goel, Advocate for the respondents.

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HARINDER SINGH SIDHU, J.

The petitioner is a citizen of India. He shifted to United Kingdom in the year 1999 and lost his passport there. He made a request to respondent No.2 to issue a fresh passport to him. However, his request was declined on the ground that a warning card is lying against him.

Feeling aggrieved, the instant writ petition has been filed by the petitioner.

In reply filed on behalf of respondents No.1 to 4, it is stated that as per the comments received from the Ministry, there was a criminal case FIR No. 42 dated 25.2.1999 under Section 61 of the Excise Act, at Police Station Nurmahal, District Jalandhar, pending against the petitioner. It is stated that as per notification issued by the Ministry of External Affairs, Government of India fresh passport facility to an accused can be given only with the prior permission /NOC of the trial Court. As the petitioner has not furnished the NOC of the concerned Court, the

passport has not been issued. It is also stated that the petitioner's case for issuance of emergency certificate i.e. a one side travel document to travel back to India can be considered, in case he submits such an application to the Mission concerned. The petitioner can surrender before the trial court and obtain necessary orders to obtain a fresh passport.

In view of the stand in the written statement, the present writ petition is disposed of with a direction to the petitioner that he would move an application for issuance of emergency certificate i.e. one side travel document to travel back to India, which shall be considered by the respondents in terms of the written statement and the necessary travel documents enable him to travel back to India would be issued. Thereafter his case for issue of passport be considered on his compliance with the requisite formalities as mentioned in the written statement.

07.10.2015
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(Harinder Singh Sidhu)
Judge