

CWP No.24358 of 2014

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

CWP No.24358 of 2014
Date of decision: 13.08.2015

Surinder Pal Singh

....Petitioner

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Rahul Sharma-I, Advocate, for the petitioner.
Mr. Indresh Goel, Advocate, for respondents No.1 and 2.
Mr. Suresh Singla, Addl. A.G., Punjab.

PARAMJEET SINGH, J. (ORAL)

Reply on behalf of respondent No.3, filed in Court today, is taken on record.

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for direction to respondents No.1 and 2 to issue additional copy of passport to the petitioner.

Brief facts for disposal of present writ petition are to the effect that petitioner is the holder of passport No.F-5316451, which is valid

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upto 24.10.2015. However, the pages of passport booklet have been exhausted and there is no page available for further visa etc., which may be required for visiting abroad. In these circumstances, petitioner applied for re-issuance of passport, however, request of the petitioner was rejected by the passport authorities on the ground that some criminal proceedings are pending against him. Hence, this writ petition.

In pursuance of notice of motion, respondents have filed replies.

As per reply of respondent No.3, petitioner is involved in case FIR No.11 dated 27.01.2012 registered under Sections 427/506/148/149 IPC and Section 25 of the Arms Act at Police Station City Kapurthala, and challan in this case has been filed on 09.03.2015. Charge was framed on 15.07.2015 and now the case is fixed for prosecution evidence on 28.10.2015. Since the charge has already been framed, petitioner can get the passport only after getting the permission from the competent Court wherein the case is pending. Reliance has been placed on notification dated 25.08.1993 (Annexure P-8).

I have heard learned counsel for the parties at length and considered their contentions.

In my view, present petition can be disposed of at this stage. Petitioner will be at liberty to apply to the concerned criminal Court and seek its permission to apply for re-issuance of passport as per notification (Annexure P-8) issued by the Government. In case,

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permission is granted by the Court, case of the petitioner shall be considered by respondents No.1 and 2 in accordance with law.

Disposed of accordingly.

August 13, 2015
R.S.

(Paramjeet Singh)
Judge