

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

CWP No.22051 of 2015
Date of Decision:-12.05.2016

Gurwinderjit Singh

. . . .Petitioner

Versus

The Regional Passport Officer, Jalandhar and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Arun Takhi, Advocate,
for the petitioner.

Mr.Indresh Goel, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for a direction to issue passport. He applied for renewal of passport vide File No.JAL-0/030899/04 dated 28.9.2004. He was involved in a criminal case registered under Sections 452, 324, 323, 427, 148, 149 of the Indian Penal Code, 1860 [for short 'the IPC'] to which Sections 307, 325 and 326 of the IPC were added subsequently, at Police Station Ghuman, District Batala. The petitioner was convicted by the Additional Sessions Judge, Gurdaspur on 23.3.2011 for a maximum sentence of 5 years with fine of ₹5000/- though other sentences were also awarded under various provisions. The petitioner challenged the order of conviction and sentence dated 22.3.2011 and 23.3.2011 by way of CRA-S-1404-SB-2011, which was admitted on 20.5.2011. During the pendency of this petition, the petitioner filed

CRM-38543 of 2015 in CRA-S-1404-SB-2011, in which the following order was passed on 11.4.2016: -

“The applicant/appellant No.2 has filed copy of the jamabandi as well as photographs, showing that the applicant Gurwinderjit Singh owns more than seven acres of land and a big house. Applicant wants to visit Australia to meet his son. Maximum sentence awarded in this case is five years. This is appeal of the year 2011 and unlikely to be heard in near future. Learned counsel for the applicant is ready to furnish heavy surety to ensure that the applicant will return to India within six months. Learned counsel for the applicant has also relied upon the authority of this Court in Bikramjit Singh @ Bikram v. State of Punjab, 2014(4) AICLR 478. After considering the facts and circumstances, the application is allowed. Permission is granted to the applicant/appellant No.2, namely, Gurwinderjit Singh to visit Australia to meet his son for a maximum period of six months from the date his Passport is renewed. The applicant is directed to furnish surety of his immovable property worth Rs.fifty lacs in the Court of learned Chief Judicial Magistrate, Gurdaspur, ensuring to return India within six months from the date of renewal of his Passport. Learned Chief Judicial Magistrate, after obtaining the surety, shall send the papers to this Court for record. The applicant is accordingly allowed.”

The passport of the petitioner was not renewed by the passport authorities only on the ground that the petitioner has been convicted for more than two years. However, learned counsel for the respondents has submitted that the passport shall be issued to the petitioner for one year in terms of the order dated 11.4.2016 because

in the said order he has been asked to come back to India after six months.

Learned counsel for the petitioner has raised no objection in this regard. Consequently, this petition is hereby disposed of with a direction to the passport authorities to issue passport to the petitioner forthwith for a period of one year. The petitioner is directed to inform the passport authority about his departure from as well as arrival in India.

12.05.2016

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**