

CWP No.24294 of 2016

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

**CWP No.24294 of 2016
Date of decision:28.11.2016**

Gurdavar Singh

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. K.S.Kahlon, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner was holding an Indian Passport No.A1966394 issued on 13.03.2008. At present, the petitioner is living in Vienna. His Visa Card has expired on 09.05.2016 so as his Indian passport. For the purpose of renewal of his Visa Card, the authorities at Vienna demanded his passport and then the petitioner applied for renewal of his passport vide application file No.AUTVP002FE15 after depositing 62 Euro. The embassy at Vienna had allegedly refused to renew his passport as according to the police verification, a criminal case bearing FIR No.126 dated 07.07.1999, registered under Sections 447/427/148/149 IPC at Police Station Nurmahal, District Jalandhar is pending against the petitioner.

Counsel for the petitioner has submitted that the other co-accused in the aforesaid FIR, namely, Amar Singh, Mahinder Kaur,

Jagdish Singh, Harjinder Singh and Bagel Singh were acquitted on 11.01.2005 and the FIR has been quashed in CrI. Misc. No.M-10913 of 2013 at the instance of co-accused Jagtar Singh on 23.02.2006.

However, it is pertinent to mention that the petitioner was declared a proclaimed offender vide order dated 19.02.2001. It is submitted that the petitioner had applied for anticipatory bail, which has been allowed and the petitioner has been granted opportunity to surrender before the Trial Court on 23.10.2016 but without Visa Card and Passport, he cannot appear and surrender and, thus, the present petition has been filed for renewal of the passport.

I have heard learned counsel for the petitioner and examined the available record.

Section 6 of the Passport Act, 1967 (hereinafter referred to as the "Act") provides the grounds on which the passport can be refused, in which Section 6(2)(f) provides that "*that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India*". Admittedly, the petitioner has been declared a proclaimed offender by the Criminal Court in India on 19.02.2001 and the case against him is still pending, therefore, the acquittal of other co-accused by the Court, who had faced trial or the quashing of criminal proceedings on the basis of acquittal of the other co-accused, is of no use to the petitioner in view of the bar provided under Section 6(2)(f) of the Act. Further more, the petitioner does not show any respect to law as he flew from justice, having been declared as a proclaimed offender.

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Thus, in view of the aforesaid facts and circumstances, I do not find it to be a fit case for the purpose of interference.

Dismissed.

November 28, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No