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

**CWP No.7862 of 2016
Date of decision:13.05.2016**

Jatinder Singh @ Jodha

...Petitioner

Versus

The Union of India and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Madan Sandhu, Advocate,
for the petitioner.

Mr. Satish Singla, Advocate,
for respondent No.1.

Mr. Indresh Goel, Advocate,
for respondent No.2.

Mr. V. Ramswaroop, Addl. A.G., Punjab,
for respondent No.3.

Rakesh Kumar Jain, J.

The petitioner, who is now a permanent resident of Spain, was earlier resident of village Sangrai, Tehsil Batala, District Gurdaspur. He is an Indian passport holder and applied for re-issuance of passport at Passport Sewa Kendra, Hoshiarpur on 26.11.2015 vide application File No.JA1079382858615. The said application was received in the Sanjh Kendra of the office of Senior Superintendent of Police, Batala, which was further sent to the Sanjh Kendra, Police Station Rangar Nangal and verification of the same was got conducted through MHC and Inspector Ved Parkash SHO, during which it was found that a case vide FIR No.5 dated 11.01.2014, under Sections 324, 323, 148, 149 IPC, Police Station

Rangar Nangal has been registered against the petitioner. The SHO, Police Station Rangar Nangal has, thus, declined to issue No Objection for re-issuance of passport and the Regional Passport Office, Jalandhar as well as the office of the SSP, Batala was informed on 03.12.2015 in this regard. The petitioner has prayed for re-issuance of the passport alleging that he has been falsely implicated in the aforesaid FIR in which even challan has been presented on 07.06.2014 in which the petitioner has been kept in column No.2, meaning thereby he has not been sent up to face the trial as an accused. It is, therefore, submitted that the police should issue No Objection Certificate for the purpose of re-issuance of passport to the petitioner by the Passport Authority.

Counsel for respondent Nos.1 and 2 have submitted that when the petitioner applied for re-issuance of passport on 26.11.2015, he did not mention the fact of registration of the aforesaid FIR and is, thus, guilty of concealment of facts.

In the reply filed by the SSP, Batala, who was impleaded as respondent No.3, it is stated that though the petitioner was kept in column No.2 in the challan submitted on 07.06.2014, yet an application under Section 319 of the Code of Criminal Procedure, 1973 (Cr.P.C.), filed by the complainant, is fixed for consideration on 03.06.2016 for the purpose of summoning the petitioner. It is further submitted that in case the said application is allowed and the petitioner is summoned as an accused to face the trial, he may not, in the meantime flee from justice, in case passport is re-issued to him.

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

Although it is provided under Section 6(2)(F) of the Passport Act, 1967, that the Passport Authority shall refuse to issue a passport or travel document for visiting any foreign country in case the proceedings in respect of an offence alleged to have been committed by the applicant are pending before a Criminal Court in India but in the present case, so far no case is pending against the petitioner because he is not facing the trial as an accused rather his name has been kept in column No.2 of the challan. It is an altogether different matter that there is an application filed under Section 319 of the Cr.P.C. for summoning of the petitioner to face the trial as an accused but the said application has not yet been decided against the petitioner. Thus, the Police Authorities as well as the Passport Authority should not feel shy in issuing No Objection and the re-issuance of the passport respectively. However, No Objection shall be issued by the police with a note of the pendency of the criminal case in which the petitioner has been kept in column No.2 of the challan, of the pendency of the application filed under Section 319 of the Cr.P.C. and the Passport Authority shall issue the passport to the petitioner. It is also made clear that the petitioner shall not be permitted to travel abroad until and unless he obtains permission from the Court where the criminal case is pending.

With these observations, the present petition is hereby disposed of.

May 13, 2016
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(Rakesh Kumar Jain)
Judge