

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

CRA-S No.4194-SB of 2015 (O&M)
DATE OF DECISION : 24th OCTOBER, 2017

Rupinder Kaur

.... Appellant

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. G. S. Punia, Senior Advocate with
 Mr. P.S. Punia, Advocate for the applicant-appellant.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

Rule.

Heard forthwith with consent of counsel for the rival parties.

The passport of the appellant was released for renewal vide order dated 17.09.2014 passed by the trial Court, subject to furnishing of bank guarantee in the sum of ₹2,00,000/-. Accordingly, the same was furnished by the appellant. After renewal of the passport the appellant was supposed to return the renewed passport within a period of two months from the date of its renewal.

Learned State counsel submits that instead of returning the passport immediately after renewal, within the stipulated period, it was not deposited by the appellant and therefore the trial Court has passed the impugned order dated 03.07.2015 forfeiting the bank guarantee, furnished by the appellant, in favour of the State.

I have seen the reasons made by the appellant in her application for submitting back the passport. Relevant para of which reads thus:

6. That the applicant has renewed her passport and also taken the registration certificate, residential permit from the Foreigner Registration Officer, Ludhiana on 18.03.2015. Thereafter the applicant moved an application for permission to visit to U.K. for the extension of Visa which was granted by this Hon'ble Court on 8.6.2015 for 3 months and to return back prior to 7.9.2015. The applicant has returned to India well before date fixed and appeared before this Hon'ble Court as per directions. The intention of the applicant is bonafide. The registration and renewal taken some more time that is why the applicant earlier could not furnish her original passport in this Hon'ble Court.

It is, therefore, respectfully prayed that the applicant may kindly be allowed to furnish her original passport and orders be passed for the release of the bank guarantee referred above. For amount of rupees 2 lack at 7.11.2014 and dt.

12.6.15 for amount of rupees 15 lack rupees in the interest of justice.”

Learned counsel for the appellant also submits that the appellant was not granted any opportunity of hearing before passing the impugned order. However, looking to the nature of the controversy, I do not think that it would be proper to sent back the matter only for hearing of the appellant. The matter deserves to be disposed of in entirety here only.

In that view of the matter, there may be some goof up in the matter on the part of the appellant but then there is no misconduct as such on her part allegedly violating order dated 17.09.2014, I think it would not be proper to forfeiture the bank guarantee of ₹2,00,000/- furnished by the appellant.

In the result, I make the following order:

ORDER

- (i) Rule is made absolute.
- (ii) CRA-S No.4194-SB of 2015 is allowed.
- (iii) Impugned order dated 03.07.2015 passed by learned ASJ, Ludhiana, is quashed and set aside.
- (iv) The bank guarantee of ₹2,00,000/- furnished by the appellant before the trial Court, be returned back to the appellant.

24th OCTOBER, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>