

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

**CWP No.12174 of 2016
Date of Decision.22.02.2017**

Munish Kumar

.....Petitioner

Vs

Union of India and others

.....Respondents

Present: Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. J.S. Lalli, Advocate
for respondent Nos.1 and 2.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The grievance of the petitioner is that he was passport holder bearing No.E0138146 issued on 12.11.2001 valid upto 11.11.2011, which was renewed with passport No.F8489738 for a period of one year from 16.03.2012 to 15.03.2013 by the Embassy of India at Rome and further renewed with Indian Passport No.L3323384 for the period of two years from 01.05.2013 to 30.04.2015 by the Embassy of India at Rome. Copies of the same have been annexed as Annexures P-1 to P-3 respectively.

However, since the validity of the passport was to expire on 30.04.2015, application was moved for renewal of the same which has been submitted in the passport office on 21.08.2015 but on enquiry, it surfaced that owing to the registration of FIR No.158 dated 11.08.2016 at police Station Lalru under Sections 307, 353, 332, 186, 434, 323, 283, 341, 506, 148, 149 IPC and Section 3 of the Prevention of Damages of Public Property Act, 1984 and FIR No.159 dated 12.08.2016 at the same police station under Sections 307, 332, 186, 436, 341, 283, 506, 323, 148, 149

IPC, Section 3 of the Prevention of Damages of Public Property Act, 1984 and Section 25, 27, 54 of the Arms Act which are pending adjudication, NOC was not issued.

He submits that the petitioner had been working in Italy and owing to the non-renewal of the passport, has been deported back. The application bearing No.CH1079170801015 in this regard has been filed for renewal, thus, has sought the indulgence for appropriate direction to the respondent to decide the aforementioned application expeditiously.

Learned counsel appearing on behalf of the Union submits that owing to the registration of the FIRs, the passport authorities have not renewed the aforesaid passport. In support of his contention, relied upon a notification dated 25.08.1993 to contend that in case the petitioner has to travel abroad, it can issue passport for a period specified by the Criminal Court where the matter is seized of. The relevant portion of the notification issued as per the provisions of clause (f) of sub-section 2 of Section 6 of the Passport Act reveals as under:-

“(a) the passport issued to every such citizen shall be issued:-

(i) for the period specific in order of the court referred to above, if the court specifies a period for which the passport has to be issued;

or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year;

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provide further that, in the meantime, the order of the Court is not cancelled or modified.

(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.”

In rebuttal, Mr. Sharma submits that in one of the FIRs, i.e. FIR No.158, cancellation report has been accepted by the Court but in the second FIR bearing No.159, though the cancellation report has been submitted but the same has not been accepted by the Court yet.

Keeping in view the aforementioned fact and since it is in the domain of the Criminal Court, which is seized of the matter regarding approval or otherwise of the cancellation report in the second FIR to grant permission to travel abroad in pursuance of the notification extracted above for a period specified therein, I deem it appropriate to direct the Criminal Court to decide the application, if any moved before it for such permission, within a period of one month from the date of submission of the same.

The writ petition stands disposed of in the above terms.

(AMIT RAWAL)
JUDGE

February 22, 2017
Pankaj*

Whether speaking/reasoned order Yes

Whether reportable No