

CWP No.23386 of 2017

[1]

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

**CWP No.23386 of 2017
Date of decision:11.10.2017**

Amrinderpal Singh

...Petitioner

Versus

Union of India and another

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The petitioner has challenged the order dated 30.08.2017 passed by the Regional Passport Officer, Jalandhar.

In brief, the petitioner, along with his sister, was involved in a criminal case registered vide FIR No.21 dated 24.01.2011, under Sections 307, 452, 34 IPC and 25 and 27 of the Arms Act, 1959, at Police Station Bias, District Amritsar, allegedly for firing towards Gurbir Kaur. Although it was a case of no injury, yet the petitioner was convicted by the Additional Sessions Judge, Amritsar on 05.08.2015 and was sentenced for a period of one year under Sections 307 and 452 IPC. The petitioner challenged that order of conviction and sentence by way of filing CRA-S-3552-SB-2015 titled as "Amrinder Singh vs. State of Punjab", which is pending in this Court. The petitioner was also implicated in one more FIR No.302 dated 10.09.2011, registered under Sections 420, 467, 468 and 471 of IPC at Police Station Civil Lines, District Amritsar City, on the statement of Gurbir Kaur.

The petitioner moved an application in the pending appeal before

this Court for seeking permission to go abroad, subject to his furnishing heavy solvent sureties to the satisfaction of the trial Court. The said application was allowed by this Court on 01.06.2017 and permission was given to the petitioner to go abroad and come back till 31.08.2017. He also applied for permission for going abroad in FIR No.302 dated 10.09.2011, which was rejected by the trial Court on the ground that the anticipatory bail in that case has been granted by this Court. Thereafter, the petitioner filed CRM-M-21929 of 2017, which was allowed by this Court on 02.08.2017 and permission was granted to him to go to Canada subject to his furnishing heavy solvent sureties to the satisfaction of the trial Court and shall return by 31.08.2017, as directed by the coordinate Bench of this Court.

The petitioner was pursuing his application for renewal of his passport but received the impugned letter dated 30.08.2017, by which he was informed by the Passport Officer that in the absence of any response from his side, his file has been closed and appropriate notice has also been placed on the website in the section "Track Status" against his file number and if he wish to apply for a fresh passport, with all the documents and required fees, then he would require to quote the previous file number at the appropriate places in the relevant forms.

It appears that there was a communication between the petitioner and the Passport Officer for the purpose of providing certain documents and in the absence of any response from petitioner's side, the impugned order dated 30.08.2017 was passed. The case of the petitioner has not been closed for ever as he has been allowed to file application for a fresh passport with complete documents and fees. However, counsel for the petitioner submits that

his passport should have been renewed and the file for renewal of his passport should not have been closed by the respondents.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that the petitioner has been granted permission by this Court to visit abroad and to come back on 31.08.2017 but that period is over and the petitioner cannot go to any foreign country until and unless permission is granted by the Court(s) in which the criminal case(s) is/are pending. The question of grant of passport would largely depend upon the permission of the Court(s) concerned to the petitioner for going abroad and, therefore, the petitioner has to first obtain permission from the Court(s), otherwise if he is in a hurry to go abroad, he may apply for a fresh passport, as observed in the impugned order dated 31.08.2017, and in case he apply for a fresh passport and his all documents are found to be in order, then the respondents are directed to consider his application for grant of passport, in accordance with law.

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

October 11, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No