

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

(109+246)

CWP-3307-2017 (O&M)

Decided on: March 03, 2017.

Raj Kumar

.... Petitioner

Versus

Union of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sagar Aggarwal, Advocate, for the petitioner.

Mr. Varun Issar, Advocate, for the respondents.

Mr. Nonish Kumar, Advocate, for applicant Mamta.

M.M.S. BEDI, J (ORAL)

The petitioner has approachd this Court for issuance of a direction to the respondents for releasing his passport which has been withheld on account of the litigation of the petitioner with his wife.

Petitioner claims that he is NRI, working in Italy. The petitioner had applied for fresh passport after the earlier passport expired on 17.08.2014. The petitioner had married on 14.02.2015 with Mamta and got incorporated the name of his spouse in the particulars required at the time of applying the passport. The petitioner received new passport having No.N8293402 with ten years validity on 23.03.2016. On the basis of the said passport, the petitioner came to India on 05.03.2016. As his passport was lost, he could not travel back to Italy on 18.04.2016 to resume his job. After lodging DDR regarding the loss of the passport along with visa-cum-

work permit, the petitioner applied for new passport which was issued and sent to the address of the petitioner but the petitioner could not collect the same and it was returned back to the Passport Officer.

The petitioner approached the Passport Officer on 20.08.2016 and submitted a representation for delivery of the passport but he was informed that he would be required to await for another period of 15 days and the passport will be sent at his address. On 18.11.2016, the petitioner again approached respondent No.2 and made an inquiry. He was informed that his wife had submitted an application not to issue the passport to the petitioner as some litigation was pending inter se the parties, as such, the passport of the petitioner has been withheld. It is thus claimed that despite repeated representations, the passport has not been released to the petitioner.

Wife of the petitioner, Mamta, has filed an application for impleading her as a party claiming that the petitioner has concealed the fact that since the petitioner was in custody in criminal case registered at her instance, the passport was returned to the office of respondent No.2. It has been informed that a criminal case is pending against the petitioner and he is facing trial.

I have considered the facts and circumstances of the case and I am of the opinion that the petitioner is entitled to be released the passport but mere release of passport will not entitle him to travel abroad and he would be required to obtain permission from the trial Court to leave the country depending upon the conditions which might have been imposed upon him while granting him bail.

This petition is disposed of with a direction that the petitioner will approach the Passport Officer-respondent No.2 within a period of three days. His passport will be released to him. In case, he wants to travel on the basis of the said passport, he would be required to seek permission from the trial Court. In case, the permission is granted subject to any condition, the petitioner may avail the travel rights.

CM-3259-2017

Application for wife of the petitioner Mamta to be impleaded as party is declined without prejudice to her right to contest the claim of the petitioner to travel before the trial Court.

Copy of the order be given dasti to the counsel for the petitioner under the signatures of the Court Secretary.

(M.M.S. BEDI)
JUDGE

March 03, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No