

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

CRR-2872-2017

Date of decision: 18.01.2018

Malkiyat Singh

.....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. Vishwajeet Singh, Advocate for
Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Vivek Saini, Deputy Advocate General, Haryana.

A.B. CHAUDHARI, J (Oral)

This revision is directed against the order dated 26.07.2017
passed by learned Additional Sessions Judge, Karnal.

We have heard learned counsel for the petitioner as well as
learned State counsel and have gone through the record.

Prayer made by the present petitioner-Malkiyat is for return of
his passport on the ground that he was acquitted by the trial Court in case
FIR No.706 dated 31.12.2014, registered at Police Station Assandh, under
Sections 306, 120-B and 34 of the Indian Penal Code and, therefore, the
passport is liable to be returned to him.

The trial Court rightly declined the prayer of the petitioner because entire record has been transferred to this Court as appeal bearing No.CRM-A-1334-MA-2016, titled as 'Jaswant Singh vs. State of Haryana and others' was filed by Jaswant Singh.

In that view of the matter, we are required to decide whether passport should be returned or not. In our opinion, the petitioner having been acquitted by the trial Court, there is a presumption of innocence in favour of the revision petitioner and, therefore, until and unless, the acquittal is converted into conviction, he is deemed to be innocent.

Hence, the prayer made by the petitioner for return of passport is accepted. The passport is ordered to be released to petitioner-Malkiyat Singh against proper receipt and identification.

However, a certified copy of the passport be retained on the file.

(A.B. CHAUDHARI)
JUDGE

(INDERJIT SINGH)
JUDGE

18.01.2018
parveen kumar