

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

CWP No. 12909 of 2018

Date of decision : 06.07.2018

Tersaim Kumar

...Petitioner

versus

Union of India and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.G.C. Shahpuri, Advocate
for the petitioner.

Ms. Gehna Vaishnavi, Advocate
for the respondents.

RITU BAHRI, J. (Oral)

The present petition is for issuance of writ in the nature of mandamus directing the respondents to take appropriate steps to re-issue the passport to the petitioner with reference No. 180005937590 as the earlier passport issued by the Passport Authorities expired on 24.05.2018.

The petitioner was tried in FIR No.14 dated 3.5.2007 registered under Sections 7 and 13 of Prevention of Corruption Act, 1988 at Police Station SVB Ambala. He was convicted on 28.2.2011 for a period of two years. The petitioner has preferred an appeal bearing Criminal Appeal No.713- SB of 2011 which has been admitted and is pending before this Court. The sentence of the petitioner has also been suspended vide order dated 14.03.2011 (P-6)

The petitioner had earlier filed CWP No. 3898-2017 for issuance of passport, which was allowed by this Court on 12.05.2017 and direction was issued to the passport authorities to issue passport to the petitioner with a rider that he can travel abroad after getting the passport. In compliance of the above said order, the passport authorities issued passport on 25.05.2017 which was valid upto 24.05.2018 but the petitioner could not attend the convocation which was scheduled to be held on 02.06.2017 on account of short period for completion of the formalities.

Now, the petitioner wants to go to Singapore while working as a Financial Advisor for SBI Life Insurance Co. Ltd, which will be organized on 15.07.2018 onwards. Therefore, the petitioner submitted application on 17.04.2018 before the passport authorities for re-issuance of passport of the petitioner but the same was rejected on account of the pendency of the criminal case against the petitioner and it has been written *that* ***“Court order is required for apply for passport”***.

Learned counsel for the petitioner has placed on record copy of order dated 06.07.2018 passed by this Court in CRM-18999-2018 in CRA-S-713-SB-2014 whereby the petitioner was granted permission to go abroad from 14.07.2018 to 25.07.2018 subject to execution of personal bond and surety bond in the sum of Rs.15 lacs to the satisfaction of CJM, Ambala, with an undertaking to report back on 26.07.2018.

Learned counsel for the petitioner has referred to order passed by this Court in CWP No. 8902-2012, decided on 15.01.2014, titled as Tarsem Singh v. Union of India, wherein on expiry of passport of the petitioner, he applied again for issuance of new passport but concealed the factum of his conviction in F.I.R pending against him and thus his case was rejected. He approached this Court and this Court disposed of the petition by giving a direction to the passport officer to issue the passport to the petitioner subject to the condition that he will take necessary permission by filing an application before this Court to go abroad.

In the present case, the petitioner has taken the permission from this Court mentioned above today i.e 06.07.2018 in CRM-18999-2018 in CRA-S-713-SB-2014 and thus the case of the petitioner is on better footing. He has earlier approached this Court for issuance of passport and he was allowed but he could not go abroad.

But since now the petitioner has taken the permission from this Court to go abroad, the present petition stands disposed of and direction is given to the passport officer to re-issue the passport to the petitioner to go to Singapore.

(RITU BAHRI)
JUDGE

06.07.2018

G Arora

Whether speaking/reasoned

Yes

Whether reportable

No