

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

**CWP No. 14258 of 2018
Date of Decision: 04.07.2018**

Lamber Singh

...Petitioner

Vs.

Union of India and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. P.S. Sidhu, Advocate
for respondent Nos. 1 & 2.

RAJIV NARAIN RAINA, J. (Oral)

1. Reply on behalf of respondent Nos. 1 & 2 filed in Court is taken on record.

2. This petition is directed against the impugned order impounding the passport of the petitioner on the ground that three FIRs were pending against him. In FIR No. 73 dated 23.02.1985, petitioner is a complainant, while in the second FIR No. 416 dated 22.09.2005, cancellation report has been submitted and only in third FIR No. 301 dated 10.09.2006 he is facing trial under Sections 323, 324, 341, 506, 148 & 149 IPC with Section 326 IPC added later on.

3. The petitioner is facing trial in that case. The stand taken by Union of India in the reply is that there is inordinate delay on the part of the petitioner to call in question the show-cause notice issued on 26.12.2007 and against the order impounding the passport under

Section 10 (3) (e) of the Passport Act, 1967. The other objection is that there is an alternative remedy available by way of statutory appeal against the order and, therefore, the writ petition deserves to be dismissed leaving the petitioner to his remedy under statutory appeal compounded by the pendency of the criminal case.

3. It is averred in the petition that the engagement ceremony of the daughter of the petitioner is to be performed in Canada on 07.07.2018 and wedding ceremony on 03.08.2018 for which a passport is required for travel.

4. I have considered the arguments of the learned counsel and keeping in view the wedding ceremony and the celebrations, the petitioner should be issued a passport. The previous passport which was impounded would normally have expired on 01.10.2017. In these circumstances, the petitioner will apply for the new passport/renewed by completing the formalities. The same will be issued to him so that he is able to travel abroad to attend the marriage ceremony of his daughter.

5. The case for issuance of the passport to the petitioner will be processed within 07 days from the date of his application and completing the formalities that law requires to be met in accordance with rules.

6. However, for travel abroad he would be required to seek the permission from the trial Court together with an undertaking that he would return to India and surrender the passport with the trial Court. He

would produce proof of travel plans to the satisfaction of the trial court.

The trial court may put any condition as it deems fit to impose.

7. With these observations and directions, the petition stands allowed to the above extent. Accordingly, the orders impounding the passport are quashed.

(RAJIV NARAIN RAINA)
JUDGE

04.07.2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No