

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

**CWP-18743-2019 (O&M)
Date of Decision:22.07.2019**

Sukhpal Singh Khaira

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. M.S. Khaira, Advocate for the petitioner.

Mr. H.S. Grewal, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL)

As per pleadings on record, passport of the petitioner stands impounded in FIR No.35, dated 05.03.2015 under Sections 29/30/27-A/23 of the NDPS Act, registered at Police Station Sadar Jalalabad, District Fazilka.

Prayer in the instant petition is for issuance of directions for release of the passport so as to facilitate travel of the petitioner abroad from 01.08.2019 to 30.08.2019.

Counsel representing the petitioner would submit that neither the petitioner was named in the FIR nor challaned by the police. It was only in pursuance to an application having been filed under Section 319 Cr.P.C. that the petitioner was summoned to face trial as an additional accused vide order dated 31.10.2017 passed by the trial Court. Such order was challenged by the petitioner before this Court by filing CRR-4070-2017 which was dismissed on 17.11.2017. By an interim order passed by this Court dated 06.11.2017, petitioner had been directed to deposit his passport with the trial

Court. Petitioner thereafter challenged the order dated 17.11.2017 passed by this Court dismissing the criminal revision before the Apex Court by filing Special Leave to Appeal (Criminal) No.9063 of 2017 and wherein vide order dated 01.12.2017 proceedings before the trial Court were stayed. Counsel apprises the Court that the matter is still pending adjudication before the Hon'ble Supreme Court.

Notice of motion in the instant petitioner was issued on 12.07.2019.

Mr. H.S. Grewal, learned Additional Advocate General, Punjab has entered appearance.

During the course of arguments today, it has gone uncontroverted that the petitioner had on an earlier occasion as well raised a similar prayer by filing CRM-M-22020-2018 and such prayer was allowed vide order dated 01.06.2018 passed by a coordinate Bench.

There is no dispute as regards the factual premise that in pursuance to the order dated 01.06.2018 the passport had been released in favour of the petitioner and was then again re-deposited by the petitioner with the trial Court and within the time frame that had been stipulated by this Court. The petitioner has not misused the concession that had earlier been granted to him.

Under such circumstances, there would be no occasion for the State to apprehend that the petitioner would flee and would not join trial proceedings.

Every citizen of this Country has a fundamental right to possess a passport as also to travel abroad under Article 21 of the Constitution of

India.

Consequently, prayer in the instant writ petition is accepted.

Trial Court is directed to release the passport of the petitioner upon furnishing adequate surety to the satisfaction of the trial Court.

Petitioner is directed to redeposit his passport latest by 15.09.2019.

Disposed of.

22.07.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |