

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

CRM-M-18759 of 2020

Date of Decision: 07.08.2020

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vishal Sharma, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

HARINDER SINGH SIDHU,J

By way of this petition, the petitioner has impugned order dated 28.2.2020 (P.4) passed by learned Chief Judicial Magistrate Hoshiarpur dismissing his application for release of his passport.

It is stated that the petitioner is accused in FIR No.302 dated 02.10.2006 under Sections 406/498-A IPC registered at P.S Hoshiarpur, District Hoshiarpur. He was convicted vide judgment dated 15.6.2013 passed by the learned Addl. Chief Judicial Magistrate, Hoshiarpur. On appeal having been preferred by the petitioner against his conviction, he was acquitted of the charges levelled against him. Complainant-wife of the deceased is stated to have filed criminal revision against the order of acquittal, which is pending.

During the pendency of the case, the petitioner had surrendered his passport bearing No.H9666051 before the trial Court. After having been acquitted of the charges, he moved an application (P.2) before the court of learned Chief Judicial Magistrate, Hoshiarpur for release of his passport but the learned trial Court dismissed the said application vide the impugned order observing that the petitioner had not disclosed of criminal revision having been preferred by the complainant against the order of acquittal and the original document could not be returned to him since the matter is still pending.

Reply filed on behalf of the State is taken on record.

During the course of arguments, learned counsel for the

petitioner submits that the passport of the petitioner is due to expire on 05.09.2020 and the trial Court may be directed to release the passport so that he could get it renewed. He undertakes that the petitioner shall not leave the country during the pendency of the criminal revision without prior permission of the trial Court and shall return the passport back to the trial Court on or before 31.10.2020.

After hearing both the sides and taking into account the undertaking made by learned counsel for the petitioner, I deem it appropriate to direct the trial Court to hand over passport to the petitioner so that he could get it renewed. Ordered accordingly. The petitioner shall return the passport on or before 31.10.2020 to the trial Court.

Petition stands disposed of. However, it will be open for the petitioner to move application for extension of time to re-submit the passport in the event of petitioner not getting it renewed within the prescribed period.

(HARINDER SINGH SIDHU)
JUDGE

August 07, 2020
manoj

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No