

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CWP No.17326 of 2020
Date of decision:2.11.2020

Parul Baweja

... Petitioner

versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.J.S.Lalli, Advocate,
for the petitioner
Ms.Maloo Chahal, DAG, Punjab,
for respondents no.1 to 4
Ms.Shweta Nahata, Advocate,
for respondents no.5 and 6, Union of India
Mr.S.S.Behl, Advocate,
for respondent no.7
...

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

On the last date of hearing, i.e. 16.10.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks a direction to respondents no. 5 and 6 to cancel/revoke the passport issued to respondent no. 7, who is stated to be the husband of the

petitioner.

A further prayer has been made that respondents no. 1 to 4 be directed to take legal action on the complaint made by the petitioner to the Commissioner of Police, Ludhiana, dated 24.09.2020 (copy Annexure P-7), and to ensure that respondent no. 7 does not travel abroad on the passport issued to him, on the ground that there is a violation of the provisions of Section 10 of the Passports Act, 1967, inasmuch as respondent no. 7 has shown a different lady by the name of Nidhi to be his legally wedded wife, whereas the petitioner and respondent no. 7 were married to each other on 01.12.2016.

Learned counsel for the petitioner submits that as a matter of fact the said Nidhi resides in Canada and respondent no. 7 is desirous of going to Canada and consequently, has married the said Nidhi, though that is a marriage void ab initio, with the petitioner already married to respondent no. 7 earlier.

Notice of motion.

On the asking of the court, Ms. Kanica Sachdeva A.A.G., Punjab, accepts notice on behalf of respondents no. 1 to 4.

Ms. Shweta Nahata, appears and accepts notice on behalf of respondents no. 5 and 6, i.e. the Union of India and the Regional Passport Officer, Chandigarh.

Respondent no. 7 be served by way of normal as well as dasti process by the next date of hearing.

*(It is however made clear that service of notice by **dasti** process shall be effected while taking all precautions as are necessary during this period of the COVID-19 pandemic, including distancing and wearing of masks etc.)*

Adjourned to 02.11.2020.

Without making any comment on the actual merits of the contentions raised or otherwise, respondents no. 2 to 4 are directed to immediately impound the passport of respondent no. 7 and enquire into the matter to ensure that he does not travel abroad, till the next date of hearing at least before this court.

A gazetted officer is directed to file a reply on behalf of respondents no. 1 to 4 and with a gazetted officer also directed to file a reply on behalf of respondents no. 5 and 6.

Naturally, as regards the State of Punjab, the reply to be filed will also state as to what investigation on the enquiry/investigation has been conducted so far, on the complaint stated to have been made to the Commissioner of Police, Ludhiana, on 24.09.2020.

To be shown in the urgent motion list.”

Today, learned counsel for the Union of India submits that in fact the passport of respondent no.7 has already been impounded, with Mr.Lalli, learned counsel for the petitioner, submitting that in fact even an FIR has been registered against respondent no.7, as per the reply filed by the respondent-State of Punjab.

Ms.Nahata further submits that the Union of India has also

prepared a reply which could not be filed but has been sent to learned counsel for the petitioner, as also to the Reader of this court.

All replies are ordered to be taken on record, with this petition actually therefore having been rendered infructuous, even as per counsel for the petitioner.

Disposed of as such.

However, all proceedings, under the Passports Act, 1967, as also with regard to the FIR registered, will continue as per law, to be taken to their logical conclusion.

Naturally, the passport of respondent no.7 would not be released to him till the finalization of the proceedings under the Passports Act, 1967, and before releasing the passport, though there may not otherwise be any strict provision under that Act for hearing a complainant, but since the petitioner is stated to be the wife of respondent no.7 (as contended in the petition), and her specific contention is that he furnished false information with regard to his marriage to a lady in Canada, the petitioner would be heard before releasing the passport (if at all it is to be released, depending upon the order to be passed in such proceedings).

Naturally, respondent no.7 would also be heard in all proceedings against him.

2.11.2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No