

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

**CWP-5573-2021 (O&M)
Date of Decision:23.07.2021**

Parminder Singh

....Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Saurabh Arora, Advocate
for the petitioner.

Ms. Tanvi Jain, standing counsel
for respondents No. 1 and 2.

Ms. Anju Sharma Kaushik, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner is aggrieved because his application for correction of particulars in the passport is not being proceeded with.

The FIR dated 23.07.2016 has been registered against the petitioner in which charge has already been framed. During the pendency of proceedings before the trial Court, an application was filed for updation of particulars in the passport which was rejected vide order dated 26.11.2020. Thereafter, another application dated 27.01.2021 has been filed for updation of particulars and the status thereof on the website shows that the same is not being proceeded with on account of pendency of an FIR. Meanwhile, vide order dated 22.12.2020, notice of motion has been issued in CRM-M-43099-2020 for quashing of the FIR. The learned Additional Chief Judicial

Magistrate, Moga has also passed an order dated 01.07.2021 granting permission to the petitioner to travel abroad from 30.07.2021 to 09.09.2021.

Learned counsel for the petitioner submits that the trial Court has granted permission to travel abroad and thus, the passport deserves to be updated.

Learned counsel for the respondents, on instructions from ASI Mukhtiar Singh, submits that since challan has already been presented, a criminal trial is pending against the petitioner. Under the circumstances, the Passports Act, 1967 prohibits re-issuance of passport to the petitioner after updation. However, vide office memorandum dated 10.10.2019, an exception has been carved out under which the petitioner can be re-issued the passport with updated details for the period for which he has been permitted to go abroad by the concerned Court.

Accordingly, the writ petition is disposed of with a direction to respondent No. 2 to consider the case of the petitioner in accordance with the terms of office memorandum dated 10.10.2019 and re-issue the passport for the period that he has been permitted to travel the abroad.

July 23rd, 2021
Mehak

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No