

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

Sr. No.206

CWP No.6970 of 2021

Date of Decision : October 27, 2021

Gamdoor Singh

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Divij Dutt, Advocate, for the petitioner.

Ms. Shweta Nahata, Advocate
for the respondents-UOI.

SUDHIR MITTAL, J. (ORAL)

The petitioner was convicted under The Prevention of Corruption Act, 1988 vide judgment dated 03.06.2019 and sentenced to undergo RI for 04 years. His appeal has been admitted and sentence has been suspended. On 29.01.2021, he filed an application for issuance of passport but the said application has been rejected on the ground that he did not reveal his conviction in a criminal case and was consequently guilty of concealing material facts. In the reply filed on behalf of the respondents, it has additionally been stated that according to GSR 570 (E) dated 25.08.1993 as amended upto-date, in case of a person against whom criminal proceedings are pending, a passport can be issued for a limited period provided he gets permission from the competent criminal Court where proceedings are pending. This is in the nature of an exemption from the rigors of Section 6(2)(f) of the Passports Act, 1967.

A perusal of the aforementioned Government instructions, a copy of which is on record as Annexure P-4 substantiates the plea raised on behalf of the respondents. Reliance by learned Senior Counsel for the petitioner upon judgment/order dated 15.01.2014 passed in CWP No.8902 of 2012 titled as ***Tarsem Singh vs. Union of India and others*** (Annexure P-5) is misconceived as the said judgment/order does not refer to the Government instruction quoted hereinbefore.

In view of the above, learned Senior counsel for the petitioner wishes to withdraw this petition with liberty to approach the concerned Court where his appeal is pending.

Dismissed as withdrawn with the aforementioned liberty.

October 27, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No