

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31807-2021

Date of Decision: 09.08.2021

Surender Kaur and another

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vidit Bansal Advocate, for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral

The present petition has been filed under Section 482 of the Code of Criminal Procedure for issuing of directions to respondent to release the Passports of the petitioners which were ordered to be submitted before Investigating Officer by this Court while granting anticipatory bail.

The learned counsel for the petitioners has submitted that vide order Annexure P-3 the application of the petitioners was dismissed by the learned trial Court only on the ground that since the Passports were surrendered in pursuance of the orders passed by the Hon'ble Court, therefore, the trial Court was not competent to make any order with regard to the release of the Passports.

Notice of motion.

Mr. Randhir Singh Thind, learned Deputy Advocate General,

Punjab accepts notice on behalf of State of Punjab.

I have heard the learned counsel for the parties.

The only issue involved in the present case is that while grant of anticipatory bail this Court had directed the petitioners to surrender their Passports before the Investigating Officer. The learned State counsel has submitted that the investigation of the case is already complete and thereafter the challan has been presented and even charges have already been framed and trial is commencing. He has submitted that he has no objection in case the trial Court considers the plea of the petitioners for the grant of the release of Passports.

Although the Passports were surrendered at the time when anticipatory bail was granted by this Court but now since the trial of the case is already going on, the learned trial Court would be competent to pass appropriate orders in this regard.

In view of the above, the present petition is allowed. The impugned order dated 26.04.2019 (Annexure P-3) is hereby set aside. The trial Court is directed to consider the application of the petitioners for release of their Passports in accordance with law and the fact that the Passports were deposited in pursuance of the orders passed by this Court would not come in the way for considering the application.

Let the fresh orders be passed in accordance with law within a period of three weeks from the date of receipt of copy of this order.

09.08.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No