

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

204

CWP No.4752 of 2021

Date of decision: 02.12.2022

Tara Singh Sembhi

....Petitioner

V/s

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Gurbir Singh Sidhu, Advocate for the petitioner.

Mr. Sunil Kumar Sahore, Advocate for

Ms. Neha Sharma, Advocate for the respondents.

VIKAS SURI, J. (Oral)

Learned counsel for the respondents submits that he has instructions to state that on re-examining the matter, it transpired that the petitioner had applied afresh for re-issue of passport on 16.02.2021 whereas in the reply filed by way of affidavit dated 21.09.2022 reference is only to the earlier application that was made on 21.07.2015. In view of the above, the present application of the petitioner that is still pending would be processed as per the prescribed procedure.

Learned counsel for the petitioner would add that pursuant to conviction in FIR No.11 dated 21.05.2011 under Sections 323, 325, 148 and 149 IPC registered at Police Station Tallewal, the petitioner has been sentenced for a maximum period of six months. The sentences were ordered to run concurrently vide judgment and order dated 13.05.2019 (Annexure P-3), and the same would not be a ground to deny passport to him under Section 6(2)(e) of the Passports Act, 1967. It is further submitted that an appeal against the said conviction is pending. He places reliance upon

judgment of the Supreme Court in *Vangala Kasturi Rangacharyulu vs. Central Bureau of Investigation, 2021(4) RCR (Criminal) 402*, to contend that in view of the punishment awarded being less than two years, the pendency of appeal would not come in the way to issue passport to the petitioner.

Learned counsel for the petitioner would further submit that in view of the submissions noticed above, the present petition has served its purpose and thus is rendered infructuous as such. He, however, prays that right of the petitioner be kept open to approach this Court in case, for any unforeseen circumstance, the passport of the petitioner is not issued within a reasonable time.

Learned counsel for the respondents has raised no objection to the same.

Heard learned counsel for the parties.

Keeping in view the afore-noticed factual matrix, no useful purpose would be served to keep this petition pending and the same is liable to be disposed of accordingly in light of the submissions made on behalf of the respondents and the judgment of the Apex Court.

Disposed of as having been rendered infructuous, at this stage and the above noticed right of the petitioner is kept open.

(VIKAS SURI)
JUDGE

December 02, 2022

Ajay

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No