

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

**CRM-M No. 12437 of 2022
Date of Decision: 29.03.2022**

Amandeep Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sarju Puri, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner is facing trial, before the learned Magistrate concerned, in respect of offences constituted under Sections 323, 324, 506, 201 / 34 of the IPC, and, which become embodied in FIR No. 158 of 11.11.2016, registered at Police Station Machhiwara Sahib, Police District Khanna.

2. During the pendency of the trial, entered against the petitioner, the passport issued to the petitioner, by the competent authority, expired on 31.07.2021. Consequently, the petitioner – accused, moved an application, before the learned Judicial Magistrate concerned, seeking an order being made upon the Regional Passport Authority (RPA) concerned, to engage itself in the process of making renewal of the expired passport concerned. The learned Magistrate concerned, made thereons a dis-affirmative order. The apposite dis-affirmative order of 12.05.2021 is carried in Annexure P-1.

3. The reason, as meted in the order, carried in Annexure P-1,

becomes centered on the factum of the SHO of the police station concerned,

raising an objection qua an affirmative order being made upon the application concerned, and the objection being rested upon the factum of the accused – petitioner herein, rather facing trial with respect to the offences, carried in the FIR (supra).

4. The afore meted reason does not appeal to the judicial conscience of this Court, as, the Ministry of External Affairs, in a Notification, embodied in Annexure P-7, makes an explicit exemption qua persons in respect of whom criminal proceedings are pending before the Criminal Court(s) in India, from becoming per se on the afore ground, rather deprived from obtaining orders from the Criminal Court(s) concerned, to the Regional Passport Authority concerned, for the relevant renewals being made in accordance with law.

5. Therefore, it was open for the learned Magistrate concerned, to rather than depend upon the above report of the SHO concerned, and, also besides when the afore factum was visible before the learned Magistrate concerned, hence make orders upon the Regional Passport Authority concerned, to, in accordance with law, make renewals of the expired passport of the petitioner – accused. The afore omission, breaches the above mandate, as, carried in the Notification (Annexure P-7), as, issued by the Ministry of External Affairs. Therefore, the impugned order is required to be quashed and set aside.

6. Consequently, the impugner order (supra) is quashed, and, set aside. The Regional Passport Authority concerned, may proceed to process, in accordance with law, the application for renewal as preferred before him / her, and, may in accordance with law, thereafter make renewals thereof.

However, the afore renewal, if made, in accordance with law, cannot be deemed to be *ipso facto* permitting the petitioner – accused, to travel abroad, as, thereafter, he has to obtain a valid visa from the Embassy of the Country concerned, whereto he has to travel.

7. Disposed of, accordingly.

March 29, 2022
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(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>