

CWP-9138-2020

Date of Decision: 04.04.2022

Paramjit Singh Ghuman

....Petitioner

VS

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**Present:** Mr. K.S. Nalwa, Advocate
for the petitionerMr. Arvind Seth, Advocate
for respondents No. 1 and 2Mr. Arun K. Kaundal, DAG Punjab
for respondent No. 3

SUDHIR MITTAL, J. (Oral)

The petitioner's passport expired on 12.07.2020 and he applied for re-issuance of the same. The passport authorities refused the petitioner's application and, thus, he approached the trial Court concerned where trial in FIR No. 10 dated 17.08.2017 under Sections 406, 409, 420, 467, 468, 471, 477-A, 120-B IPC and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 was pending. Vide order dated 13.06.2020 (Annexure P-9) the application was rejected on the ground that Section 6 of the Passports Act, 1967 (hereinafter referred to as 'the Act') barred re-issuance of a passport.

Learned counsel for the petitioner has submitted that instructions contained in notification dated 25.08.1993 were ignored by the trial Court and, thus, the impugned order can not be sustained in law.

Learned counsel for respondents No. 1 and 2 accepts this fact.

According to instructions contained in notification dated 25.08.1993 Courts before which criminal proceedings are pending are entitled to issue directions for re-issuance of passport notwithstanding Section 6(2)(f) of the Act. This entitlement is by virtue of exemption granted in favour of the citizens by the Central Government. This is, however, subject to certain conditions enumerated in the said notification, one of which is that the passport would be re-issued for a period specified by the Court and in case no period is specified the same would be done for a period of one year only.

In view of the aforementioned notification, the writ petition is allowed and impugned order dated 13.06.2020 (Annexure P-9) is set aside. Respondents No. 1 and 2 are directed to consider the application of the petitioner for re-issuance of the passport in accordance with law and in case there is no other impediment apart from pendency of a criminal trial, the passport be re-issued for a period of three years.

04.04.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No