

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

210

CWP-10215-2022

Date of Decision: 23.08.2022

Jatinder Pal Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Anurag Chopra, Advocate
for the petitioner.

Mr. Rajesh Mehta, Addl. A.G., Punjab,
for respondent No.1.

Mr. Arvind Seth, Advocate,
for respondent No.2.

VIKAS SURI, J. (Oral)

Reply filed on behalf of respondent No.2 in Court today, which is taken on record. A copy thereof has been furnished to learned counsel for the petitioner.

Learned counsel for the petitioner, at the outset, submits that the petitioner, at this stage, would be satisfied in case the petition is disposed of by granting liberty to the petitioner to seek recourse to the procedure provided under notification bearing No.G.S.R.570(E), dated 25.08.1993. The said notification reads as under:-

“Ministry of External Affairs

Notification

New Delhi, the 25th August, 1993

**G.S.R. 570(E) - In exercise of the powers conferred
by clause (a) Section 22 of the Passports Act 1967**

(15 of 1967) and in supersession of notification of the Government of India in the Ministry of External Affairs No.G.S.R. 298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a) the passport to be issued to every such citizen shall be issued-

- (i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or
- (ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;
- (iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or
- (iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad

specified in the order.

- (b) any passport issued in terms of (a) (ii) and (a) (iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;
- (c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;
- (d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it any time during the continuance in force of the passport so issued.”

Learned counsel for the respondents have no objection to the above sought liberty being granted to approach the concerned Court.

In view of the above, the present petition is disposed of with the direction that in case the petitioner moves an appropriate application before the concerned Court seeking appropriate order in terms of the aforesaid notification, the same be considered and decided on merits at an early date, preferably within five weeks from the date of its institution. The said liberty is also on account of the fact that on two earlier occasions, the petitioner had travelled overseas after having sought appropriate orders, once from this Court vide order dated 21.02.2019 passed in CRM-M No.714 of 2019

(Annexure P-2) and the other from the concerned Court vide order dated 17.12.2020 (Annexure P-5).

Subject to the orders passed by the concerned Court, the application for issue/re-issue of passport submitted on 06.01.2022 (Annexure P-11), which is concededly pending consideration with the authorities, will be taken up and dealt with in accordance with law without further loss of time, preferably within four weeks from the date of receipt of certified copy the order by the concerned Court.

Disposed of in the above terms.

23.08.2022
monika

(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No