

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

103+208

CWP No.22023 of 2021

Date of decision: 08.12.2022

Harvinder Singh

....Petitioner

V/s

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Ved Parkash, Advocate
for the petitioner.

Mr. Amit Sharma, Advocate
for the respondents.

VIKAS SURI, J. (Oral)

CM-19434-CWP-2022

Application under Section 151 CPC for placing on record copy of reply to show cause notice and the orders passed by the trial Court in the FIR registered against the petitioner as Annexures P-5 to P-7, has been filed.

For the reasons given in the application, duly supported by affidavit of the petitioner, the application is allowed. Annexures P-5 to P-7 are taken on record, subject to all just exceptions.

Registry to tag them at the appropriate place.

CM stands disposed of.

Main case

Learned counsel for the petitioner submits that though the Passport Authority has referred to only one FIR but in fact, the petitioner has been implicated in two, the other being FIR No.207 dated 14.09.2022 under Section 61 of Excise (Spirits) Act, registered at Police Station City, Safidon.

The conceded position on record is that in FIR No.94 dated 13.04.2020 under Section 181 IPC, Section 61(1) of Punjab Excise Act and

Section 54 (b) of Disaster Management Act registered at Police Station City, Safidon charges have been framed against the petitioner.

Thus, vide order dated 18.11.2022 the concerned criminal Court has taken cognizance and the case of the petitioner would fall within the ambit of Section 6(2)(f) of the Passports Act 1967. As such, the petitioner is not entitled to seek a mandamus, contrary to the statutory provisions.

Learned counsel for the petitioner prays that keeping in view the exception carved out by notification G.S.R.570(E) dated 25.08.1993, the petitioner be granted liberty to approach the concerned criminal Court for appropriate orders, in terms of the said statutory provisions.

Learned counsel appearing for the respondents submits that the respondents have no objection if the petitioner is permitted to withdraw the present petition with liberty to take recourse to the statutory provisions and procedure provided under the notification dated 25.08.1993 (supra).

Dismissed as withdrawn with liberty as aforesaid.

(VIKAS SURI)
JUDGE

December 08, 2022
P.Bhatt

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