

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

103

CWP No.21203 of 2022

Date of Decision: 16.09.2022

Kishan Pal

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Ankur Jain, Advocate, for the petitioner.

VIKAS SURI, J. (Oral)

This is a petition filed under Article 226/227 seeking a writ in the nature of mandamus directing the respondents to re-issue passport to the petitioner, in a time bound manner.

The petitioner had applied for re-issue of passport on 17.01.2022, as the earlier one was only valid till 07.02.2022. The matter was processed and an adverse police verification report was submitted on account of the petitioner having been implicated in FIR No.70 dated 21.06.2019 under Sections 323, 324, 506, 34 IPC registered at Police Station Mukerian. It is averred that the petitioner has been falsely implicated in the said FIR, being Sarpanch of the Village.

The second respondent i.e. Regional Passport Office, Jalandhar vide letter dated 18.02.2022 (Annexure P-2) notified the petitioner requiring him to visit the office along with copy of the court judgment in the afore-noticed FIR case. It is averred that the petitioner visited the office and submitted a detailed reply dated 07.03.2022 (Annexure P-3).

Learned counsel for the petitioner has very fairly submitted that the petitioner is on bail in the aforesaid FIR case and the trial is at the stage

of recording prosecution evidence and is now pending for 27.09.2002. As such 'criminal proceedings' referred to in Section 6(2)(f) of the Passports Act, 1967 are pending against the petitioner.

Heard learned counsel for the petitioner and perused the paper book with his able assistance.

The Central Government exercising its authority to exempt, by issuing notification G.S.R. 570(E) dated 25.08.1993 under powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (for short referred as 'the Act'), has conditionally exempted the 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 operations of provisions of Section 6(2)(f) of the Act.

After arguing for some time, learned counsel for the petitioner seeks to withdraw the petition with liberty to approach the concerned Court in terms of the notification No. G.S.R. 570(E) dated 25.08.1993, which 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 at any time during the continuance in force of the passport so issued.”

Mr. Ankur Sharma, Senior Panel Counsel, puts in appearance
for respondent Nos.1 and 2 and Ms. Ambika Bedi, AAG, Punjab, on behalf

of respondent Nos.3 and 4, as copy of the petition was supplied to them in advance. They submit that there is no objection to the petitioner taking recourse to remedy provided under law.

Accordingly, liberty is granted to approach the concerned Court to avail remedy in terms of the aforementioned statutory provisions, in accordance with law.

Dismissed as withdrawn with liberty as aforesaid.

September 16, 2022
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No