

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-21953-2020

Date of Decision: 27.04.2022

Varinder Singh

....Petitioner

VS

Union of India and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Narender Sharma, Advocate
for the petitioner

Ms. Shweta Nahata, Advocate
for the respondents

SUDHIR MITTAL, J. (Oral)

Admittedly, the petitioner has been convicted under Section 376 IPC and sentenced to undergo rigorous imprisonment for a period of 7 years. Appeal against the order is pending and, thus, criminal proceedings are pending in a Court of law in India. Thus, the petitioner is not entitled to re-issuance of a passport unless and until he approaches the Court concerned where proceedings are pending.

Learned counsel for the petitioner relies upon judgment of Delhi High Court titled as *Ashok Kumar Sharma vs. The Regional Passport Officer and others, 2019(256) DLT 437* to submit that a passport can be re-issued even during the pendency of criminal proceedings.

The aforementioned judgment is not applicable to the facts of this case as the said judgment only states that an application for issuance/re-issuance of a passport has to be allowed in case it is filed after a period of 5 years of conviction. This is not the issue in the present case.

Faced with this situation, learned counsel for the petitioner wishes to to withdraw the present writ petition with liberty to approach the Court where the criminal proceedings are pending.

Dismissed as withdrawn with the aforementioned liberty.

27.04.2022

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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No