

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40906-2019 (O&M)
Date of decision: 06.05.2022

Balwinder Singh Hayer

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Anil Chawla, Advocate
for respondent No.2 and
Regional Passport Office, Amritsar.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of the order dated 29.01.2019 passed by the Chief Judicial Magistrate, Amritsar, vide which application filed by the petitioner for releasing his passport No.J7777850 was declined as well as the order dated 22.08.2019 passed by the revisional Court, dismissing the revision filed against the order dated 29.01.2019.

Learned counsel for the petitioner submits that the petitioner wanted to go abroad and approached one Rajbir Singh Sandhu @ Karaj Singh

Sandhu, who provided him visa for Malaysia, however, when he went to airport, during immigration check, it was found that the visa fixed on the passport is forged and thereafter, FIR No.16 dated 18.05.2017 under Sections 420, 467, 471, 120-B IPC was registered at Police Station Airport, Amritsar. It is further submitted that during the investigation, the petitioner was found innocent, as it was found that Rajbir Singh Sandhu @ Karaj Singh Sandhu had provided fake visa and the petitioner was cited as a witness. It is also submitted that later on, Rajbir Singh Sandhu @ Karaj Singh Sandhu was declared proclaimed offender and after recording statement of the Investigating Officer, proceedings were adjourned *sine die* by the Chief Judicial Magistrate, Amritsar. In the meantime, the petitioner moved an application for releasing of his passport No.J7777850, which was declined by the trial Court vide impugned order dated 29.01.2019 as well as revision filed against the said order, was also dismissed vide order dated 22.08.2019.

Learned counsel has further submitted that even passport of the petitioner has expired and it will not be in the interest of justice to retain his passport, till the time accused Rajbir Singh Sandhu @ Karaj Singh Sandhu is arrested by the police and trial proceeds. It is also submitted that the petitioner is ready to furnish an undertaking before the trial Court that if passport is released, he will apply for renewal of the same and will travel abroad only after seeking prior permission of the Court.

Short reply on behalf of Regional Passport Office, Amritsar is on

record, in which an objection is taken that duplicate passport cannot be issued, when the original is in custody of the Court.

After hearing learned counsel for the parties and considering the aforesaid submissions made by them, this petition is allowed and the impugned orders dated 29.01.2019 and 22.08.2019 passed by both the Courts below, declining the request of the petitioner for releasing his passport, are set aside, with the following conditions: -

- (a) The Chief Judicial Magistrate, Amritsar/trial Court will release passport of the petitioner subject to his furnishing an undertaking that he will apply for renewal of passport with the passport authorities.
- (b) The petitioner will also furnish surety bond to a sum of Rs.1.00 lac that after renewal of the passport, he will not travel abroad without prior permission of the Court.
- (c) On releasing passport by the trial Court, Regional Passport Officer, Amritsar will renew the same, in accordance with law.

With the aforesaid observations made and directions issued, present petition stands disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

06.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No