

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

103

CWP No.27766 of 2022

Date of Decision: 07.12.2022

Gurdip Singh

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Ashish Aggarwal, Advocate, for the petitioner.  
Mr. Karan Kumar Jund, Advocate, for respondent Nos.1 and 2.

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**VIKAS SURI, J. (Oral)**

Prayer in the present petition under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus, directing respondent Nos.1 and 2 to re-issue passport to the petitioner, which is alleged to have been withheld without assigning any reason.

It is averred in the petition that the petitioner is facing trial in FIR No.202 dated 28.10.2019 under Sections 323, 326, 447, 506 and 34 of IPC registered at Police Station Goindwal Sahib, District Tarn Taran and has been granted concession of bail therein.

Learned counsel for the petitioner is not in a position to deny that the provisions under Section 6(2)(f) of the Passports Act, 1967 (for short 'the Act'), would be applicable in the present case.

It is submitted that in exercise of the powers conferred under Section 22 of the Act, notification No. G.S.R. 570(E) dated 25.08.1993 was issued by the Central Government, wherein 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, have been exempted, subject to the conditions provided in the said notification. The notification reads as,

**“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.”

After arguing for some time and keeping in view the aforesaid statutory provisions, learned counsel for the petitioner seeks withdrawal of the present petition with liberty to approach the concerned trial Court in terms of the aforesaid notification, this time by moving a better drafted application, seeking appropriately worded relief.

At this stage, Mr. Karan Kumar Jund, Advocate, puts in appearance on behalf of respondents No.1 and 2, as a copy of the petition was supplied to him in advance and submits that in light of the fact that the petitioner is facing trial, the only recourse available to him would be in terms of the exception carved out by the statutory notification dated 25.08.1993, as noticed above.

He raises no objection for the limited prayer of the petitioner, seeking withdrawal of this petition with liberty to take recourse to available statutory remedy, being accepted.

Heard learned counsel for the parties.

In view of the above noticed submissions and statutory provisions, the present petition is dismissed as withdrawn with liberty as aforesaid.

As a matter of abundant caution, it is clarified that in case the petitioner approaches the concerned trial Court in terms of the notification dated 25.08.1993 (supra), the withdrawal of his earlier application seeking directions to the Regional Passport Office, Amritsar to renew his passport would not come in the way and the fresh application would be disposed of on its own merits. Keeping in view the urgency pleaded in the petition, it is expected that the same would be decided expeditiously.

**(VIKAS SURI)**  
**JUDGE**

December 07, 2022  
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| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |