

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

211

CWP-600-2021

Date of Decision: 24.07.2023

Sanjeev Kumar @ Sanjiv Kumar

...Petitioner

**Versus**

Union of India and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Ms. Aashna Aggarwal, Advocate for the petitioner

Ms. Alisha Arora, Advocate  
for respondent Nos.1 and 2-Union of India

Ms. Deepali Puri, Addl. A.G, Punjab

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**JAGMOHAN BANSAL, J. (Oral)**

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking renewal/re-issuance of passport.

2. Learned counsel for the petitioner *inter alia* contends that petitioner was issued passport on 16.09.2010 which expired on 15.09.2020. An FIR No.69 dated 23.06.2017 under Sections 323, 506 and 325 of IPC Police Station Mehtiana, District Hoshiarpur came to be registered against him. The petitioner filed an application before the Passport Authorities seeking renewal of his passport. The petitioner also preferred an application before the Trial Court seeking permission to get his passport renewed. The Trial Court, vide order dated 15.09.2020 (Annexure P-8) rejected application of the petitioner. The application has

been rejected on the sole ground that it is prerogative of the police whether to grant NOC or not.

3. Ms. Alisha Arora, learned counsel for respondent Nos.1 and 2-Union of India and Ms. Deepali Puri, learned State counsel submit that petitioner is involved in offence punishable under Sections 323, 506 and 325 of IPC and trial is still pending against him. The application before the Passport Authorities seeking renewal of his passport has been closed and he is at liberty to file fresh application and seek permission from Trial Court.

4. I have heard the arguments of learned counsels for the parties and perused the record with their able assistance.

5. From the perusal of order dated 15.09.2020 (Annexure P-8) passed by the Trial Court, it transpires that petitioner has not brought in the knowledge of the Trial Court Notification No.570 dated 25.08.1993 issued by the Central Government in exercise of powers conferred by Section 22 of the Passport Act, 1967. The Court was bereft of the aforesaid notification accordingly, order dated 15.09.2020 came to be passed by the Trial Court.

6. In view of aforesaid facts and circumstances, the present petition is disposed of with liberty to the petitioner to move fresh applications before the Passport Authority as well as Trial Court seeking permission to get his passport renewed and visit abroad. If the petitioner files application before the Trial Court seeking renewal of passport or

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permission to visit abroad, the Trial Court shall decide his application in accordance with Notification No.570 dated 25.08.1993.

The Trial Court is further requested to decide application of the petitioner within 4 weeks from the date of filing of the application.

(JAGMOHAN BANSAL)  
JUDGE

24.07.2023  
Mohit Kumar

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |