

CWP-5820-2023 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-5820-2023 (O&M)

Date of Decision: 11.09.2023

Mandeep Singh Sandhu

...Petitioner

Versus

Union of India & Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ranjit Singh Ghuman, Advocate for the petitioner

Mr. Karan Kumar Jund, Central Govt. Counsel
for Union of India-respondent Nos. 1 to 3

JAGMOHAN BANSAL, J. (Oral)

CM-13589-CWP-2023

The applicant through instant application is seeking
amendment of the writ petition.

Mr. Karan Kumar Jund, learned counsel for respondent
Nos.1 to 3 does not dispute prayer of the applicant.

For the reasons assigned in the application, the same is
allowed. Amended writ petition is taken on record. Registry is directed
to carry out necessary amendments.

CM stands disposed of.

CWP-5820-2023

1. The petitioner, through instant petition under Articles
226/227 of the Constitution of India, is seeking direction to the

respondents to re-new his passport.

2. The petitioner was issued passport which was valid till 21.09.2011. The petitioner shifted to France in the year 2004 and since then he is staying there. The petitioner applied for re-issuance of his passport, however, respondent vide order dated 29.08.2018 formed an opinion that passport of the petitioner should be suspended. The last lines of the said order indicates that author of the letter had sought approval of Regional Passport Officer to suspend/impound the passport.

3. During the course of hearing, learned counsel for the respondents submitted two communications both dated 10.09.2018 addressed to the petitioner. By first letter dated 10.09.2018 bearing Ref. No.SCN/312176652/18, the respondent sought clarification from the petitioner on account of adverse police verification report and by second letter of even date bearing Ref. No.IMP/312176672/18, order of impounding came to be passed. The said order reads as:-

“It has been decided to impound the passport bearing Passport No.J5501685, issued on date 21/09/2011 to Shri/Smt. /Kumari MANDEEP SANDHU SINGH S/o, D/o, W/o, C/o PAVITAR SINGH

under Section 10(3)(h), “A warrant or summons for the appearance/arrest has been issued by a court under any law” of the Passport Acts, 1967.

You are, therefore, requested to submit the Passport to this passport office with immediate effect, if not already done.”

4. From the perusal of above order, it comes out that respondent has passed order without issuing hearing notice as well as granting opportunity of hearing to the petitioner. The respondent has not even passed a reasoned order. The order seems to be passed merely on

the basis that a warrant for appearance/arrest has been issued by the Court.

5. During the pendency of present petition, a Coordinate Bench of this Court, vide order dated 10.08.2023 passed in *CRM-M-48732-2021*, has set aside order whereby petitioner was declared proclaimed person.

6. On being confronted with order dated 10.08.2023 passed by this Court in *CRM-M-48732-2021*, learned counsel for the respondents submits that respondents would pass a fresh order with respect to renewal/re-issuance as well as impounding of passport of the petitioner.

7. The petitioner is residing out of country and he wants to come back to India to join trial which is pending against him. This shows that petitioner is not avoiding criminal proceedings whereas he wants to join proceedings. The petitioner was declared proclaimed person while he was in France. The passport authority has impounded passport of the petitioner acting in a very hasty manner. There is clear violation of procedure prescribed under the Passport Act, 1967 as well as the principles of natural justice, thus, orders dated 29.08.2018 and 10.09.2018 impounding passport of the petitioner are hereby set aside and respondent is directed to pass a fresh order with respect to renewal/reissuance of the passport as well as impounding thereof.

8. The petitioner shall furnish his e-mail id and mobile number to the learned counsel for the respondent within 3 days from today. The passport authority shall do the needful within 6 weeks from today.
9. Disposed of in aforesaid terms.

(JAGMOHAN BANSAL)
JUDGE

11.09.2023
Mohit Kumar

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