

In the High Court of Punjab and Haryana at Chandigarh

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2023:PHHC:096529

CWP-8363 of 2023(O&M)

Date of Decision: 28.07.2023

Kamal Kumar

---Petitioner

versus

Union of India and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Briz Mohan, Advocate
for the petitioner
Mr. Amit Sharma, Senior Panel Counsel
for Union of India
Ms. Anita Balyan, Advocate
for the applicant-Union of India

JAGMOHAN BANSAL, J. (ORAL)

CM-12152-CWP-2023

Ms. Anita Balyan, learned counsel for the applicant submits that the instant application has inadvertently been filed in the present case, thus, she may be allowed to withdraw the same.

Allowed as prayed for.

CWP- 8363 of 2023

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking direction to respondents to re-issue passport of the petitioner which has been denied on the ground that criminal proceedings are pending against the petitioner.

2. The petitioner vide application dated 25.11.2022 applied

for passport. The application of the petitioner has been declined on the ground that criminal proceedings are pending against the petitioner.

3. As per record, petitioner was convicted in FIR No. 47 dated 16.06.2003 and FIR No. 25 dated 25.02.2003. The petitioner has preferred Criminal Appeal No. 929-SB of 2012 and CRA-1539-SB of 2011, respectively, in the aforesaid FIR(s), which are pending before this Court. The awarded sentence in both the FIRs stands suspended. The case of the petitioner does not seem to be covered under Clause (f) of Section 6(2) of the Passport Act.

4. This Court vide judgment dated 14.07.2023 passed in CWP No. 27167 of 2018 has disposed of identical issue.

5. On being confronted with the aforesaid fact, Mr. Amit Sharma, Advocate for Union of India concedes that facts of the present case are identical to case of **Mohan Lal @ Mohna vs. Union of India and others, CWP No. 27167 of 2018.**

6. The issue involved in the present case is squarely covered by judgment dated 14.07.2023 of this Court passed in CWP No. 27167 of 2018.

7. The instant petition stands disposed of in view of aforesaid judgment and passport authorities are directed to pass order in the same terms.

7. It is made clear that if file of the petitioner has already been closed, the petitioner would be at liberty to file fresh application

which thereafter shall be decided within 8 weeks.

(JAGMOHAN BANSAL)
JUDGE

28.07.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No