

In the High Court of Punjab and Haryana at Chandigarh
101

CWP-10043 of 2023
Date of Decision: 13.07.2023

Gurpal Singh

---Petitioner

versus

Union of India and another

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vinod K.Kataria, Advocate
for the petitioner

Mr. Ankur Sharma, Senior Panel Counsel
for Union of India

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent No. 2 to re-issue/renew passport of the petitioner

2. Learned counsel for the petitioner inter alia contends that petitioner was issued passport bearing No. P847045 on 04.08.1980 and it was renewed from time to time. The petitioner last time applied for renewal of passport on 26.04.2022. The petitioner came to be convicted in FIR No. 26 dated 15.11.2002 under Sections, 7, 13(1)(d) read with Section 13(2) 88 of Prevention of Corruption Act and Sections 420, 466, 467 and 120-B of IPC by the trial court vide judgment dated 07.10.2001. The petitioner preferred Criminal Appeal No. 2419-SB of 2009 before this Court which stands admitted. The sentence of the petitioner stands suspended vide order dated

15.10.2009 passed by this Court (Annexure P-3). The case of petitioner does not fall within category of either Section 6(2)(e) or (f) of the Passport Act, 1967.

3. On being confronted with aforesaid facts, learned counsel for Union of India, who on advance notice is present in Court, submits that passport authority, in view of precedents, would issue passport subject to compliance of other conditions, however, passport should be deposited with Appellate Court i.e. Court where appeal of the petitioner is pending.

4. This Court in CWP No.15863 of 2022 has passed following order:

“2. It is undisputed that the petitioner has already been issued renewed passport. The validity period of original passport was from 14.01.2011 to 13.01.2021 and it was renewed for another period of 10 years. The passport is in the custody of petitioner and he has already been convicted and further sentenced to 7 years imprisonment. The appeal of the petitioner is pending before this Court and sentence of the petitioner stands suspended.

3. Learned counsel for the parties are ad idem that passport in question may be deposited with Trial Court and petitioner shall travel aboard after seeking prior approval of the Appellate Court.

4. In view of the statement of both sides, the present petition is disposed of with a direction to petitioner to deposit his passport with Trial Court which had convicted the petitioner and he shall not leave country without prior permission of the

Appellate Court i.e. this Court where appeal of the petitioner is pending.”

5. The present petition stands disposed of in terms of order dated 04.07.2023 passed by this Court in CWP No. 15863 of 2022.

(JAGMOHAN BANSAL)
JUDGE

13.07.2023
paramjit

Whether speaking/reasoned : Yes
Whether reportable : Yes/No