

In the High Court of Punjab and Haryana at Chandigarh
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2023:PHHC:096433
CWP No. 10740 of 2023(O&M)
Date of Decision: 28.07.2023

Pawan Kumar Singal

---Petitioner

versus

Union of India and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Nandan Jindal, Advocate
for the petitioner

Mr. Karan Kumar Jund, Central Govt. Counsel
for Union of India

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

JAGMOHAN BANSAL, J. (ORAL)

CM No. 11815-CWP of 2023

Allowed as prayed for.

Annexure P-7 is taken on record, subject to all just exceptions. Registry is directed to tag the same at an appropriate place.

CM No. 11820-CWP of 2023

The applicant-petitioner through the instant application is seeking preponement of the case which is fixed for 20.11.2023.

Heard.

Allowed as prayed for. The main case is preponed from

20.11.2023 to today itself and taken on Board.

CWP-10740 of 2023

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking direction to respondents to renew passport of the petitioner.
2. The petitioner was issued passport on 11.10.2013 which is valid upto 10.10.2023. The petitioner vide application dated 01.12.2022 applied for renewal of the passport. The application is still pending as passport authority has not issued passport on the ground that police verification report is not clear.
3. Learned counsel for the petitioner inter alia contends that FIR No. 10 dated 21.11.2012, under Sections 409, 420, 467, 468, 471 and 120-B of IPC and 13(1)(d) read with 13(2) of Prevention of Corruption Act was registered against the petitioner at Police Station, Vigilance Bureau, Bathinda. The police after investigation filed its report under Section 173 Cr.P.C. The petitioner preferred CRM-M-15169 of 2015 before this Court seeking setting aside of the aforesaid FIR and consequential proceedings. This Court vide order dated 01.05.2017 has stayed the framing of charge. The petition is still pending before this Court.
4. Mr. Karan Kumar Jund, Central Government Counsel submits that petitioner has not furnished detail of stay of proceedings, thus, application of the petitioner could not be dealt with.
5. Central Government vide office Memorandum dated 14.03.2023 has clarified that where trial proceedings have been stayed

by Appellate Court, applicability of Section 6(2)(e) of the Passport Act would depend upon nature of stay, reason for stay and stage at which proceedings have been stayed.

6. On being confronted with office Memorandum dated 14.03.2023, learned counsel for the respondents submits that petitioner may be directed to submit documents relating to criminal proceedings and appropriate authority would pass order, in accordance with law, within six weeks from the date of filing documents.

7. In view of statement of learned counsel for Union of India, petition stands disposed of.

8. The petitioner is directed to submit documents relating to criminal proceedings pending against him. It is made clear that respondent would decide application of the petitioner seeking renewal/re-issuance of passport after considering office Memorandum dated 14.03.2023.

(JAGMOHAN BANSAL)
JUDGE

28.07.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No