

102

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11540-2023

Date of Decision:04.08.2023

GORA LAL

..... Petitioner

Versus

UNION OF INDIA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Vikram Sharma, Advocate
for the petitioner.

Mr. Deepanjay Sharma, DAG, Punjab.

Ms. Monica Chawla, Advocate and
Mr. Anil Chawla, Advocate
for the respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

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

2 The petitioner was issued passport on 30.06.2010 which was valid up to 29.06.2020. An FIR No.15 dated 23.02.2021, under Sections 420, 421, 188 and 120B of IPC came to be registered against the petitioner. The petitioner on 13.07.2022 applied for re-issuance of passport. The petitioner vide order dated 23.05.2022 passed by this Court has been granted concession of anticipatory bail, subject to compliance of Section 438 of Cr.P.C. One of the conditions of Section 438 (2) of Cr.P.C. is that accused shall not leave country without prior permission of the Court. The petitioner is not seeking permission to leave the

country, however, he is praying for re-issuance of passport.

3. Learned State Counsel on instructions from ASI Gurmail Singh confirms that till date challan has not been presented against the petitioner and matter is pending at investigation stage.

4. This Court in *Mohan Lal @ Mohna vs. Union of India and others, CWP No. 27167 of 2018* after considering notification No.570 dated 25.08.1993 and Office Memorandum dated 10.10.2019 has held that renewal of passport cannot be denied unless and until challan is presented and Court has already taken cognizance and even in that situation Court can grant permission.

5. Learned counsel for the respondents on being confronted with aforesaid judgment submits that competent authority would pass order qua grievance of the petitioner within 6 weeks from today.

6. In view of statement of statement learned State counsel as well as learned counsel for the respondents, the petition stands disposed of with a direction to respondent No.2 to pass order within 6 weeks from today, after considering aforesaid judgment.

(JAGMOHAN BANSAL)
JUDGE

04.08.2023
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No