

In the High Court of Punjab and Haryana at Chandigarh

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2023:PHHC:091492

CWP No. 15366 of 2023

Date of Decision: 20.07.2023

Rajinder Singh

---Petitioner

versus

State of Punjab and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. T.P.S.Tung, Advocate for the petitioner

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

Ms. Amrita Singh, Advocate for UOI.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking direction to respondents No. 4 and 5 to renew/re-issue passport of the petitioner.

2. The petitioner was issued passport on 03.08.2011 which was valid upto 02.08.2021. The petitioner filed application dated 14.02.2023 for renewal/re-issuance of passport. FIR No. 23 dated 19.06.2005, under Sections 420, 465, 467, 468, 471 and 120-B of IPC was registered against the petitioner at Police Station, Mehal Kalan, District Barnala. The police after completing investigation filed its report and name of the petitioner was shown in column No. 2. The trial court vide order dated 03.07.2015 ordered to summon the petitioner in exercise of power conferred by Section 319 Cr.P.C. The petitioner preferred CRM-M-7257 of 2018 before this Court. Vide order dated 21.02.2018, this Court has stayed further proceedings pending before trial court qua the petitioner. The respondents have

withheld renewal/re-issuance of passport on the ground of pendency of trial against the petitioner.

3. Mr. Amrita Singh, Advocate for Union of India submits that petitioner has not furnished details of stay of proceedings, thus, application of the petitioner could not be dealt with.

4. 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.

5. 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.

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

7. The petitioner is directed to submit documents relating to trial 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.

20.07.2023

(JAGMOHAN BANSAL)

paramjit

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No