

In the High Court of Punjab and Haryana at Chandigarh

105

**2023:PHHC:105476
CWP-15194 of 2023
Date of Decision: 16.08.2023**

Sarabjit Singh

---Petitioner

versus

Union of India and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Kulbir Singh Saini, Advocate
for the petitioner

Ms. Saigeeta Srivastava, Advocate
for Union of India

Mr. Deepanjay Sharma D.A.G, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of seizure memo dated 22.01.2023 whereby immigration officer has seized passport of the petitioner.
2. Learned counsel for the petitioner *inter alia* contends that respondent has seized passport of the petitioner and further denied to re-issue the same on the ground that an FIR is pending against the petitioner. Wife of the petitioner has lodged FIR under Sections 406 and 498-A of IPC against the petitioner. As on date, police has not presented its report under Section 173 Cr.P.C.
3. Learned counsel for the State, on instructions from ASI Gursewak Ram, confirms that FIR has been registered against the petitioner, however, till date challan has not been presented.
4. Learned counsel for the Union of India submits that passport of the petitioner was impounded on account of receipt of report from the police authorities. As per their information, an FIR has been registered against the petitioner, thus, passport was

impounded.

5. On being confronted with the judgment of this Court in **Mohan Lal @ Mohna vs. Union of India and others, CWP No. 27167 of 2018**, learned counsel for respondents No. 1 and 2 asserts that petitioner may be directed to appear before passport authority alongwith all the requisite documents which would decide the matter in accordance with afore-stated judgment of this Court.

6. In the wake of statement of learned counsel for Union of India, the petitioner is directed to appear before respondent No. 2 on 05.09.2023 alongwith all requisite documents. On doing so, the competent authroity would look into the grievance of the petitioner and pass an appropriate order in view of afore-stated judgment of this Court.

(JAGMOHAN BANSAL)
JUDGE

16.08.2023
paramjit

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