

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**2023:PHHC:110902
CWP No.15468 of 2023
Date of Decision:24.08.2023**

Balraj Singh

....Petitioner

VS.

Union of India and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Lal Singh Sandhu, Advocate
for the petitioner

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

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 01.06.2023 (Annexure P-4) whereby passport of the petitioner has been impounded on account of pendency of criminal case.

2. Mr. Sandhu *inter alia* contends that petitioner was issued passport on 19.11.2013 which is going to expire on 18.11.2023. An FIR No. 61 dated 25.02.2021, under Sections 147, 149, 323, 324 and 506 of IPC and Section 25 of Arms Act was registered against the petitioner at Police Station, Sadar Sirsa. The petitioner has been released on anticipatory bail vide order dated 08.04.2021 passed by learned Sessions Court, Sirsa.

Learned counsel further submits that impugned order has been passed

without serving copy of show cause notice as well as without granting opportunity of hearing, thus, impugned order has been passed in gross violation of principles of natural justice.

3. On being confronted with the aforesaid fact, Mr. Jund expressed his inability to show that petitioner was granted opportunity of hearing, though, he submits that show cause notice was served on the same e-mail address on which impugned order was served.

4. Mr. Jund has not disputed the fact that no notice of hearing was served upon the petitioner though he is claiming service of show cause notice.

5. The respondent was duty bound not only to serve show cause notice but also grant opportunity of personal hearing. It is settled proposition of law that an authority cannot pass order entailing civil consequences without confronting the party with adverse material and granting opportunity of hearing.

6. As impugned order has been passed without granting opportunity of hearing, though service of show cause notice is disputed, the impugned order deserves to be set aside and accordingly, the impugned order is set aside. The respondents are at liberty to pass a fresh order in accordance with law after granting opportunity of hearing to the petitioner.

(JAGMOHAN BANSAL)
JUDGE

24.08.2023
paramjit

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