

In the High Court of Punjab and Haryana at Chandigarh

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2023:PHHC:098070

CWP-16466 of 2023

Date of Decision: 01.08.2023

Vivek Rai

---Petitioner

versus

Union of India and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. G.S.Sawhney, Advocate
for the petitioner

Mr. Arvind Seth, Senior Panel Counsel
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 direction to respondent No. 2 to re-issue/renew his passport.

2. The petitioner was issued passport on 26.04.2012 which expired on 25.04.2022. FIR No. 21 dated 13.02.2012, under Section 68 of Excise Act was registered against the petitioner at Police Station, Division No. 4, Jalandhar. The petitioner was ordered to pay fine of Rs. 200/-. Wife of the petitioner has lodged FIR Under Section 498A of IPC against the petitioner. The petitioner, in FIR No. 16 dated 10.11.2014 was declared proclaimed offender. The petitioner preferred CRM-M-35210 of 2020 before this Court seeking quashing of order of

proclamation. The petitioner vide order dated 15.12.2020 was directed to appear and surrender before trial court. The petitioner on 29.01.2021 appeared before trial court and sought regular bail. The petitioner on 25.02.2022 applied for renewal of passport. The passport authority has not issued passport on account of adverse police report.

3. Mr. Arvind Seth, Senior Panel Counsel for Union of India, who on advance notice is present in Court, submits that police after completing investigation has filed challan in FIR No. 16 dated 10.11.2014, thus, case of the petitioner is covered by Notification No. 570 dated 25.08.1993 issued by Central Government.

4. On being confronted with aforesaid fact, learned counsel for the petitioner seeks liberty to approach trial Court, in terms of aforestated Notification.

5. The petition stands disposed of with liberty to the petitioner to approach trial court, in terms of Notification No. 570 dated 25.08.1993 issued by Central Government. The trial court is requested to expeditiously pass an appropriate order on the application, if any, moved by the petitioner.

(JAGMOHAN BANSAL)
JUDGE

01.08.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No