

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20187-2022

Date of Decision:14.07.2023

KANWARJEET SINGH

..... Petitioner

Versus

UNION OF INDIA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. Ankur Sharma, Senior Panel Counsel, for UOI.

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 issue passport to the petitioner against application dated 30.04.2022 (Annexure P-1).

2. The petitioner applied for passport in the office of respondent No.2 vide application dated 30.04.2022. The petitioner vide communication dated 01.09.2022 was informed that passport cannot be issued as criminal case is pending against him.

3. The petitioner has been convicted in FIR No.121 dated 27.07.2006, under Section 302, 307, 323, 325 & 149 of IPC 1860 and Section 27 of Arms Act, 1959. The sentence of the petitioner has been suspended vide order dated 09.09.2013. The petitioner was awarded sentence 5 years prior to date of application seeking passport, thus, rigorous of Section 6 (2) (e) of Passport Act is not applicable.

3. Learned counsel for the respondents submits that petitioner has been awarded sentence of life imprisonment, thus, he cannot be issued passport, however, on being confronted with order dated 04.07.2023 passed by this Court in CWP-15863-2022, learned counsel for the petitioner

submits that order may be passed in terms of aforesaid order dated 04.07.2023. The order dated 04.07.2023 passed by this Court in CWP-15863-2022 reads as:

“2. It is undisputed that the petitioner has already been issued renewed passport. The validity period of original passport was from 14.01.2011 to 13.01.2021 and it was renewed for another period of 10 years. The passport is in the custody of petitioner and he has already been convicted and further sentenced to 7 years imprisonment. The appeal of the petitioner is pending before this Court and sentence of the petitioner stands suspended.

3. Learned counsel for the parties are ad idem that passport in question may be deposited with Trial Court and petitioner shall travel aboard after seeking prior approval of the Appellate Court.

4. In view of the statement of both sides, the present petition is disposed of with a direction to petitioner to deposit his passport with Trial Court which had convicted the petitioner and he shall not leave country without prior permission of the Appellate Court i.e. this Court where appeal of the petitioner is pending.”

4. The present petition is disposed of in terms of order dated 04.07.2023 passed by this Court in CWP-15863-2022.

(JAGMOHAN BANSAL)
JUDGE

14.07.2023
Ali

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