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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17637-2023

Date of Decision:20.09.2023

MANVEEN KAUR

..... Petitioner

Versus

UNION OF INDIA AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Namit Gautam, Advocate
for the petitioner.

Mr. Ankur Sharma, Senior Panel Counsel
for the Union of India- respondents No.1 and 2.

Mr. Vipin Pal Yadav, Addl. AG, Punjab.

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 26.07.2023 (Annexure P-11) whereby respondent has decided to impound passport of the petitioner.

2. The petitioner was issued passport No.X8016560 on 11.04.2023 which is valid upto 10.04.2033. The respondent vide order dated 26.07.2023 has decided to impound passport of the petitioner on the ground that passport was obtained by suppressing information.

3. Learned counsel for the petitioner submits that an FIR No.262 dated 10.11.2022, under Sections 420 and 120B of IPC was pending against the petitioner and the said FIR stands quashed vide order dated 01.09.2023 passed by this Court in CRM-M-7403-2023. The

respondent has passed non-speaking order and without granting opportunity of hearing. This Court in the case of co-accused i.e. Tegveer Singh, vide order dated 28.07.2023 passed in CWP No.16027 of 2023 directed the respondent to consider case of the said petitioner. The respondent has issued passport to Tegveer Singh i.e. co-accused.

4. Learned counsel for the Union of India- respondents No.1 and 2 does not dispute the aforesaid fact, however, submits that impugned order was preceded by show cause notice and on the date of issuance of passport, FIR was pending against the petitioner.

5. This Court as pointed out by petitioner has passed order dated 28.07.2023 in the case of son of the petitioner i.e. Tegveer Singh who was co-accused in the FIR. The said order reads as:

“2. Learned counsel for the petitioner inter alia submits that respondent No. 2 has impounded passport of the petitioner on the ground that an FIR No. 262 dated 10.11.2022, under Sections 420, 120-B of IPC registered against the petitioner at Police Station, Division No. 8, Ludhiana, District Ludhiana, is still pending.

The police has not presented its report under Section 173 Cr.P.C. against the petitioner and petitioner has entered into compromise dated 06.02.2023 with the complainant. The petitioner has filed CRM-M-7403 of 2023 before this Court seeking quashing of aforesaid FIR on the basis of compromise. This Court has issued notice of motion on 14.02.2023 and directed the parties to tender their statements before trial court. The petitioner and complainant have already tendered their statements before learned Chief Judicial Magistrate, Ludhiana.

3. This Court vide judgment dated 14.07.2023

passed in CWP No. 27167 of 2018 has disposed of identical issue.

4. On being confronted with the aforesaid fact, Mr. Amit Sharma, Senior Panel Counsel for Union of India concedes that facts of the present case are identical to case of Mohan Lal @ Mohna vs. Union of India and others, CWP No. 27167 of 2018 disposed of vide judgment dated 14.07.2023.

5. The issue involved in the present case is squarely covered by judgment of this Court dated 14.07.2023 passed in CWP No. 27167 of 2018.

6. The instant petition stands disposed of in view of aforesaid judgment and passport authorities are directed to pass order in the same terms.”

6. The case of the petitioner is squarely covered by aforesaid order. The FIR stands quashed and impugned order seems to be passed without granting opportunity of hearing. The order is further non-speaking, thus, deserves to be quashed.

7. The respondent is directed to pass fresh order in accordance with law, after considering development which has taken place post 26.07.2023. The needful shall be done within 6 weeks from today.

8. The petition stands disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

20.09.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No