

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

106

**2023:PHHC:110965
CWP No.18559 of 2023
Date of Decision:24.08.2023**

Mandeep Singh

....Petitioner

VS.

Union of India and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Ms. Pushp Jain, Advocate
for the petitioner
Ms. Shweta Nahata, Advocate
Ms. Neha Sharma, Advocate
for the Union of India

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to issue him passport.

2. Learned counsel for the petitioner inter alia contends that petitioner applied for the issuance of passport. An FIR No. 01 dated 10.01.2020, under Sections 21, 22, 27, 29 of NDPS Act, was registered against the petitioner at Police Station, Subhanpur, District Kapurthala. The petitioner was granted interim bail by Special Court, Kapurthala. Trial is pending against the petitioner. The passport authority, on account of pendency of aforesaid FIR, refused to issue passport to the petitioner.

3. The Centre Government in exercise of power conferred by Section 22 of the Passport Act, 1976, has issued Notification No. 570 dated 25.08.1993 whereby it has been provided that despite pendency of criminal

trial, an applicant may be granted passport subject to permission by trial court.

4. Notification No.570 dated 25.08.1993 is reproduced as below:-

“G.S.R. 570(E).—In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No. G.S.R. 298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:—

(a) the passport to be issued to every such citizen shall be issued—

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, he passport shall be issued for a period one year;

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or and all connected cases

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a)(i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity

of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.”

4. On being confronted with the aforesaid Notification, learned counsel for the petitioner seeks permission to withdraw the instant petition with liberty to approach trial court.

5. Dismissed as withdrawn with aforesaid liberty.

6. If the petitioner files an application before trial court seeking permission to get issued his passport or permission to visit abroad, the trial court shall decide application of the petitioner expeditiously and in terms of the aforesaid Notification.

(JAGMOHAN BANSAL)
JUDGE

24.08.2023
paramjit

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