

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

104

**2023:PHHC:154737
CWP No.27214 of 2023
Date of Decision:05.12.2023**

Jai Pal Singh

....Petitioner

VS.

Union of India and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rajesh Goyal, Advocate
for the petitioner

Mr. Shubham Thakur, Central Govt. 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 direction to respondent No. 2 to re-issue his passport.

2. The petitioner was issued passport on 23.01.2013 which expired on 22.01.2023. The petitioner vide application dated 25.08.2023 applied for re-issuance of passport. An FIR No. 215 dated 15.03.2022, under Sections 12, 6 and 7 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 came to be registered against the petitioner at Police Station Chandnibagh, District Panipat. The police after completing investigation has presented report under Section 173 Cr.P.C. The trial court vide order dated 22.08.2022 has framed charges against the petitioner.

3. Learned counsel for the petitioner submits that petitioner is entitled to passport in terms of Notification No. 570 dated 25.08.1993 issued by Central Government.

4. Learned counsel for Union of India, who on advance notice is present in Court, submits that Notification No. 570 dated 25.08.1993 issued by Central Government needs to be read alongwith Section 6(2)(f) of the Passport Act. The petitioner on account of pendency of criminal trial cannot be issued passport, however, the Notification has relaxed the condition, subject to approval of trial court. The charges have already been framed against the petitioner, thus, petitioner is required to get approval from trial court.

5. Faced with this, learned counsel for the petitioner seeks permission to withdraw the instant petition with liberty to approach trial court in terms of aforesaid Notification.

6. Dismissed as withdrawn with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

05.12.2023
paramjit

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