

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

105

**2023:PHHC:157032
CWP No.27569 of 2023
Date of Decision:08.12.2023**

Krishan Pal

....Petitioner

VS.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Tarun Sharma, Advocate
for the petitioner

Ms. Neha Jaggi, Senior Panel Counsel
for the Union of India

Mr. Raman Sharma, Addl. A.G.Haryana

JAGMOHAN BANSAL, J. (ORAL)

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

2. The petitioner was issued passport on 20.09.2011 which expired on 19.09.2021. An FIR No. 612 dated 06.02.2007, under Sections 419, 420, 467, 468, 471 and 120-B of IPC and Sections 8 and 9 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, came to be registered at Police Station, City Thanesar. The petitioner was acquitted in the aforesaid FIR vide order dated 20.09.2010 passed by JMIC, Kurukshetra. In FIR No. 108 dated 23.02.2020, under Sections 323, 34, 341, 506 of IPC, registered against the petitioner at Police Station, Pehowa, District Kurukshetra,

charges stands framed and trial is pending. 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. Disposed of with liberty as aforesaid.

(JAGMOHAN BANSAL)
JUDGE

08.12.2023
paramjit

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