

105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2062-2024

Date of Decision:01.02.2024

SUKHDEV SINGH GILL

..... Petitioner

Versus

UNION OF INDIA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms. Taanvi Dhull, Advocate for
Mr. Lakshay Bector, Advocate
for the petitioner.

Ms. Sehej Sandhawalia, Central Govt. Counsel
for the respondents-UOI.

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 him passport.
2. The petitioner was issued passport on 19.01.1994 which expired on 18.01.2004. The petitioner was implicated in FIR No.111 dated 11.05.2006, under Sections 376 and 452 of IPC. The petitioner was held guilty and he was awarded sentence of 4 years. The petitioner preferred CRA-S-2561-SB-2007 before this Court. The sentence of the petitioner has been suspended vide order dated 21.12.2007. The petitioner filed application dated 11.12.2023 seeking re-issuance of passport. The petitioner has lost his earlier passport and has lodged report in this regard with Police Authorities.
3. Learned counsel for the petitioner submits that the petitioner

was awarded sentence of 4 years and period of more than 5 years from the date of conviction has already passed away, thus, he is entitled to issuance of passport. The case of the petitioner is squarely covered by judgment of this Court in *Mohan Lal @ Mohna vs. Union of India and others 2023 SCC Online P&H 1391*.

Notice of motion.

Ms. Sehej Sandhawalia, Central Govt. Counsel accepts notice on behalf of the respondents-UOI and waives service. She does not dispute the applicability of the afore-cited judgment to the facts of present case. She further asserts that Passport Authority would decide application of the petitioner within 6 weeks from today.

In the wake of statement of learned counsel for the respondents-UOI, the present petition stands disposed of. It is made clear that issuance of passport would not create right to travel in favour of the petitioner.

(JAGMOHAN BANSAL)
JUDGE

01.02.2024
Ali

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