

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CWP-2182-2024
Date of Decision: 19.03.2024

HARDEEP SINGH CHAHAL ... PETITIONER

Versus

UNION OF INDIA AND OTHERS ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sarju Puri, Advocate
for the petitioner.

Ms. Shreyanshi Verma, Central Govt. Counsel
for the respondents-UOI (through VC).

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. On 01.12.2024, the following order was passed :

“1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 08.01.2020 (Annexure P-1) whereby passport of the petitioner was impounded.

2. The petitioner in December’ 2016 solemnized marriage with Amrit Kaur daughter of Manjinder Singh according to Sikh rights and ceremonies. The petitioner is residing in Italy. A matrimonial dispute erupted between the parties and an FIR No.26 dated 10.06.2019, under Sections 498-A came to be registered against the petitioner and his mother. The petitioner was out of country and he was declared proclaimed person vide order dated 07.11.2019. Another FIR No.16 dated 16.02.2022, under Section 174-A of IPC came to be registered against the petitioner. The respondent by impugned order dated 08.01.2020 impounded passport of the petitioner. The petitioner preferred CWP No.16354 of 2020

before this Court which was disposed of with a direction to respondents to pass a speaking order. The respondent in compliance of orders of this Court, passed speaking order dated 19.11.2020 whereby impounding of passport of the petitioner was confirmed. In the said order, it was observed that passport of the petitioner would be released from impounding after finalization of case. It is apt to notice that passport was impounded on account of aforesaid FIR under Section 498-A of IPC. The relevant extracts of order dated 09.11.2020 read as:

“Whereas, since the applicant is out of country and all the efforts for video conferencing failed, then Mr. Sarju Puri the Learned Lawyer of the Petitioner Mr. Hardeep Singh Chahal visited the Regional Passport Office, Chandigarh and submitted the view on behalf of his client. The points were well considered by the Competent Authority and shown all the documents including warrant and proclamation order dated 18.10.2019 which was in force when the passport was impounded by the Regional Passport Office. It has been agreed by the Learned Counsel Mr. Sarju Puri since an Order of Proclamation is pending, therefore, the presence of Mr. Hardeep Singh Chahal is essential to face the court proceedings. Further, the issue that passport holder Mr. Hardeep Singh cannot travel back to India since his passport has been impounded. The Competent Authority made clear to the Learned Counsel Sh. Sarju Puri that there is no restriction in the travelling for Mr. Hardeep Singh Chahal if he intends to visit to India regarding his case proceedings. The learned counsel of petitioner Hardeep Singh Chahal was also apprised of the fact that since, the warrant of arrest and proclaimed order are still in force, passport of petitioner will remain impounded and cannot be relaxed.

Therefore, in view of the above it has been conveyed to the petitioner through his counsel that the passport No. P5766638 will be released from impounding after the finalization of the case. However, if the applicant wishes to travel back to his work in foreign country from India, he may seek the permission from the Hon'ble Court and he will be facilitated by releasing the passport to him as per the directions of the Hon'ble Court.”

Learned counsel for the submits that this Court has set aside FIR No. 26 dated 10.06.2019, under Sections 498-A as well as FIR No. 16 dated 16.02.2022, under Section 174-A of IPC by two separate orders dated 23.11.2022 passed in CRM-M-23221-2022 and 23444 of 2022 respectively. The petitioner after setting aside of aforesaid FIRs filed representation (Annexure P-13) with Consulate General of India, Milan, Italy.

Notice of motion returnable for 19.03.2024.”

2. Ms. Shreyanshi Verma, Advocate submits that passport of the petitioner has been released from impounding, thus, the petition has rendered infructuous.
3. In the wake of statement of learned counsel for the respondent, the petition stands disposed of as infructuous.

(JAGMOHAN BANSAL)

JUDGE

19.03.2024

anju

Whether speaking/reasoned	Yes
Whether reportable	No