

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CWP-3914-2024
Date of Decision: 21.02.2024

Jorawar Singh

Versus

...Petitioner

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ram Kumar Chauhan, Advocate
for the petitioner.

Mr. Karan Kumar Jund, Senior Panel Counsel
for the respondents-UI.

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 issue him fresh passport.
2. The petitioner vide reference No.JAIF23452144652 dated 29.12.2023 applied for the passport. He was implicated in FIR No.223, dated 01.10.2003, registered under Sections 302, 307, 506, 325, 146, 149 IPC and 25 & 27 of the Arms Act, at Police Station Tanda, District Hoshiarpur. He faced trial and vide judgment dated 18.10.2007 was convicted by the Additional Sessions Judge, Hoshiarpur. He was awarded life sentence. He preferred an appeal before this Court along with application seeking suspension of sentence. The Division Bench of this Court vide order dated 26.07.2010 suspended sentence of the petitioner.
3. Learned counsel for the petitioner submits that the petitioner

judgment of this Court in Mohan Lal @ Mohna Versus Union of India and Others; 2023 SCC OnLine P&H 1391.

4. Notice of motion.
5. Mr. Karan Kumar Jund, Senior Panel Counsel, for Union of India, who on advance notice is present in Court, accepts notice and waives service. He submits that appeal of the petitioner against the judgment of conviction and sentence is still pending before this Court, thus, the petitioner cannot be issued passport.
6. On being confronted with judgment of this Court in **Mohan Lal @ Mohna (Supra)**, he expresses his inability to controvert the applicability of the same to the present case.
7. The case of the petitioner is squarely covered by the judgment of this Court in **Mohan Lal @ Mohna (Supra)**. Thus, the respondents are directed to consider application of the petitioner and pass an appropriate order within three months from today.
8. It is made clear that the issuance of the passport would not make the petitioner eligible to travel without approval of the Appellate Court i.e. the Court where his appeal against judgment of conviction and sentence is pending.
9. Disposed of in above terms.

21.02.2024
monika

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No