

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108.

CRM-M No.9172 of 2024
Date of Decision:22.02.2024

Jasdev Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sahil Parmar, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for issuing direction to the learned trial Court/investigating officer to release the original passport of the petitioner bearing No.T5134827, which was submitted before the investigating officer in FIR No.276 dated 09.10.2020 registered under Sections 406, 420 and 120-B IPC at Police Station Ram Nagar, District Kaithal, in compliance of the direction given by this Court vide order dated 23.11.2020 passed in CRM-M No.36656 of 2020.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner had approached the learned trial Court seeking permission to go abroad, however, the learned trial Court was not inclined to grant the relief as sought by him. The direction to surrender the passport was given by this Court while granting anticipatory bail to the petitioner. He further submits that in view of the provisions contained in Section 6 of the Passport Act, 1967, the learned trial Court has to grant permission to the petitioner to go abroad.
3. Notice of motion.

4. On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court accepts notice on behalf of the respondent.
5. Having heard learned counsel for the parties, this Court finds force in the argument advanced by the counsel appearing for the petitioner. This Court in *Mohan Lal Vs. Union of India and others (2023) 3 RCR (Civil) 772* has examined the scope and ambit of Section 6 of the Passport Act, 1967 and has issued necessary directions in this regard. Even in terms of Notification No.570 dated 25.08.1993 issued by the Central Government, the petitioner has to approach the trial Court at the first instance for seeking permission to go abroad. The Hon’ble Supreme Court in *Satwant Singh Sawhney Vs. D. Ramarthnam (1967) 3 SCR 525* has held that in today’s globalised world, mechanical denial of passport or permission to travel abroad merely on an unfounded apprehension of the applicant fleeing from justice would amount to a direct violation of fundamental rights as guaranteed under Articles 14, 19(1)(a), (g) and 21 of the Constitution of India.
6. In view of the above, the present petition is disposed of with a direction to the learned trial Court to consider the application, if any, filed by the petitioner seeking release of his passport and permission to go abroad and pass an appropriate speaking order thereon, in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

February 22, 2024
Pankaj*

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