

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

101

**2024:PHHC:061062
CWP No. 4260 of 2024
Date of Decision:03.05.2024**

Shivam Seth

....Petitioner

VS.

Union of India and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Naveen Bawa, Advocate
for the petitioner

Mr. Karan Kumar Jund, Senior Panel Counsel
for the Union of India

Mr. Rajeev Anand, Advocate
for CBI

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. Amended Memo of Parties is taken on record. Registry is directed to tag the same at appropriate place.

3. The petitioner was issued passport on 23.03.2012 which was valid upto 22.03.2022. An FIR No. RCCHG2015A0002 dated 15.01.2015, under Sections 120-B, 420, 467, 468, 471 of IPC and Section 13(1) (d) read with Section 13(2) of Prevention of Corruption Act, 1988, has been registered against the petitioner at CBI/ACB Branch, Chandigarh. The CBI

has completed investigation and presented its report, however, till date charges have not been framed.

4. Mr. Naveen Bawa, Advocate submits that in the absence of framing of charge(s), the petitioner cannot be deprived from passport. He is not seeking permission to visit abroad whereas his limited prayer is to re-issue passport which has already expired. The issuance of passport and permission to visit abroad are two different concepts. No prejudice is going to be caused to CBI if passport is issued.

5. Mr. Rajeev Anand, Advocate submits that if passport is issued by passport authority, in accordance with law, it may be deposited with trial Court so that petitioner may not leave country without prior permission of the Court.

6. Mr. K.K.Jund, Senior Panel Counsel for Union of India submits that passport authority would look into application of the petitioner and pass an appropriate order, in accordance with law. The needful shall be done within eight weeks from today.

7. In the wake of statement of both sides, the petition stands disposed of. If the passport authority comes to a conclusion that passport may be issued, it would be directly deposited with the trial court.

(JAGMOHAN BANSAL)
JUDGE

03.05.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No