

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

108

2024:PHHC:062121

CWP No. 10265 of 2024

Date of Decision:06.05.2024

Tajinder Singh

....Petitioner

VS.

Union of India and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Lakhwinder Singh Mann, Advocate
for the petitioner

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

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 25.04.2024 (Annexure P-11) whereby his application for re-issuance of passport has been rejected.

2. Mr. Lakhwinder Singh Mann, Advocate, *inter alia* contends that petitioner was embroiled in FIR No.343 dated 06.09.2002, under Sections 323, 324, 148, 149 of IPC and FIR No. 355 dated 11.10.2001, under Sections 324, 148, 149 of IPC, registered at Police Station Nakodar, District Jalandhar. He entered into compromise with the complainant and left the country. He was declared proclaimed offender while he was out of country.

He has filed CRM-M-48871 of 2022 and CRM-M- 53596 of 2022 before

this Court seeking setting aside of orders whereby he has been declared proclaimed offender. In CRM-M- 53596 of 2022, proceedings were stayed and he was directed to surrender within a period of four weeks. As proceedings were not stayed in CRM-M- 48871 of 2022, he could not surrender before the Court. In the absence of re-issuance of his passport, he cannot come to India. If he is issued emergency certificate, it would entail forfeiture of his passport/visa.

3. Notice of motion.
4. Mr. K.K.Jund, Senior Panel Counsel for Union of India, who on advance notice is present in Court, submits that police after completing investigation has presented its report under Section 173 Code of Criminal Procedure, 1973 and proceedings are pending before trial court, thus, petitioner has remedy to approach the Trial Court for the issuance of passport.
5. Faced with this, learned counsel for the petitioner submits that the Trial Court may be directed to decide his application expeditiously.
6. In the wake of statement of both sides, the present petition stands disposed of with liberty to the petitioner to approach the Trial Court. If he files an application in terms of Notification No.570 dated 25.08.1993, the Trial Court is requested to decide his application expeditiously.

(JAGMOHAN BANSAL)
JUDGE

06.05.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No