

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

2024:PHHC:019604
CWP-14047-2022
Date of Decision:13.02.2024

Minakshi Barthwal

....Petitioner

VS.

Union of India and others

....Respondents

CORAM: HON’BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Aman Bansal, Advocate
for the petitioner

Ms. Saigeeta Srivastava, Senior Panel Counsel for
Ms. Alisha Arora, Central Government Counsel
for the Union of India

JAGMOHAN BANSAL, J. (ORAL)

1. On 06.07.2022, the following order was passed by this Court:-

“Petitioner is the estranged wife of respondent No.3. She is aggrieved because his passport impounded earlier has been released.

According to learned counsel for the petitioner, non-bailable warrants have been issued against respondent No.3 and thus, his passport deserves to be impounded. Release thereof is thus, illegal.

The submission cannot be accepted as non-bailable warrants have been issued vide order dated 16.05.2022 i.e. after release of the passport. There is nothing on record to show that the said order is in the notice of the respondents. It is also not clear whether charges have

been framed in the pending criminal case in which non-bailable warrants were issued vide order dated 16.05.2022. Thus, prima facie, Section 10(3)(e) of the Passports Act, 1967 cannot be invoked.

Faced with this situation, learned counsel for the petitioner prays for time to place on record additional material.

Adjourned sine die and to be listed as and when an appropriate application is filed in the Registry of this Court.

2. The criminal case arising out of FIR No. 371 dated 14.08.2020, under Sections 498-A, 406, 506 of IPC and Sections 3 and 4 of Dowry Prohibition Act, registered at Police Station WPS, DD, Hyderabad is already pending before the trial court. In case of non-appearance of the accused, the trial court would certainly take appropriate action against respondent No. 3. This Court, in view of pendency of criminal proceedings against respondent No. 3, does not find it appropriate to direct passport authorities to impound his passport.
3. In view of the above, the petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

13.02.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No