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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22642-2020

Date of Decision: 13.05.2024

SUKHPREET SINGH DHALIWAL

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Karan Nehra, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondent-SSP, S.A.S. Nagar, Mohali to release his Passport No.S4677214 dated 04.05.2018 and Old Passport No.H1197097 dated 31.10.2008.

2. Mr. Karan Nehra, Advocate submits that respondent vide memo dated 23.11.2019 (Annexure P-3) has taken into possession petitioner's Passport No.S4677214 dated 04.05.2018 and Old Passport No.H1197097 dated 31.10.2008. The respondent being a Police Officer has no authority to impound passport of any citizen of India. The power lies with Passport Authority.

In support of his contention, he relies upon judgment of Supreme Court in '*Suresh Nanda Vs. C.B.I.*' (2008) 3 SCC 674.

3. Learned State counsel submits that petitioner is involved in



many criminal cases and his passports as per Section 10 of Passport Act, 1967 can be impounded, however, he concedes that power of impounding can be exercised by Passport Authority.

4. After arguing for sometime, learned counsel for the parties agreed that respondent-SSP, S.A.S. Nagar, Mohali should handover passports to Passport Authority which would be free to take action in accordance with law.

5. In the wake of statement of both sides, the petition stands disposed of with a direction to SSP, S.A.S. Nagar, Mohali to handover passports of petitioner, within 2 weeks from today, to Passport Authority. The respondent before handing over petitioner’s passports to Passport Authority shall supply him its certified copies.

(JAGMOHAN BANSAL)
JUDGE

13.05.2024
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>