

2024:PHHC:145292



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

Sr. No.129

**CRM-M-55417-2024 (O&M)  
Date of decision : 07.11.2024**

Sanjeev Kumar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Kushagra Beniwal, Advocate, for the petitioner.

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**KIRTI SINGH, J. (Oral)**

1. By way of the present petition under Section 528 of BNSS, 2023 prayer is for grant of permission to the petitioner to leave India and travel to Australia for a period of 06 months from 01.12.2024 to 31.05.2025 in order to visit the daughter of the petitioner who is expected give birth to a child in the second week of November, 2024.

2. Learned counsel for the petitioner submits that in FIR No.433 dated 26.08.2017 under Sections 124 (A), 148, 149 & 436 of IPC and Sections 3 & 4 of the Prevention of Damage to Public Property Act, 1984 and Sections 3 & 4 of the Explosive Substance Act, 1908, registered at Police Station Shahbad, Kurukshetra, the trial Court has framed the charges under Sections 120-B, 148, 436 & 506 read with Sections 149 & 188 of IPC and Sections 3 and 5 of the Explosive Substance Act, 1908 and Sections 3(2)(e) and 4 of the Prevention of Damage to Public Property Act, 1984. He further submits that the petitioner approached this Court by way of CWP-15889-2024 for re-issuance of passport which was dismissed as withdrawn with liberty to approach the Court of competent jurisdiction vide

2024:PHHC:145292



order dated 30.07.2024. He further contended that the petitioner approached the learned trial Court by way of filing an application dated 08.08.2024 for re-issuance of the passport. Subsequently, the trial Court dismissed the said application vide order dated 25.09.2024 stating that the applicant has not disclosed the details of the country and time period along with the purpose of visit to the said country. He further submits that the petitioner wants to visit Australia to meet his daughter namely Urmi Kaushik who is expecting to give birth to a child in the second week of November, 2024 and to meet his son namely Ajay Sharma, who is a citizen of Australia.

3. The Central Government in exercise of power conferred by Section 22 of the Passport Act, 1967 has issued notification No.570 dated 25.08.1993 whereby it has been provided that passport may be issued despite pendency of criminal proceedings provided approval is granted by Trial Court. Indubitably trial is pending against the petitioner and in terms of aforesaid notification the petitioner can approach Trial Court.

4. The relevant extracts of notification read as:

"G.S.R. 570(E)-In exercise of the powers conferred by clause (a) of section 22 of the Passports Act 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No. G.S.R. 298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-

2024.PHHC:145292



section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a) the passport to be issued to every such citizen shall be issued-

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a)(i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued."

2024:PHHC:145292



5. Faced with this, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to approach Trial Court in terms of aforesaid notification.

6. Accordingly, the petition is dismissed as withdrawn.

7. If the petitioner moves a fresh application before the Trial Court, it would decide his application expeditiously, preferably within a period of two weeks, in accordance with law.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)  
JUDGE

07.11.2024  
Ramandeep Singh

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether Reportable          | Yes/No |