

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

101

**2024:PHHC:033968
CWP No. 27850 of 2023
Date of Decision:11.03.2024**

Sanjeev Kumar Vij

....Petitioner

VS.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Abhishek Kullar, Advocate
for the petitioner
Ms. Neha Sharma, Senior Panel Counsel
for the Union of India
Mr. Aman Dhir, DAG, Punjab

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 11.10.2018 (Annexure P-3) whereby his passport was impounded.
2. The petitioner was issued passport on 06.06.2018 which is valid upto 05.06.2028. The respondents formed an opinion that there was suppression of material facts on the part of petitioner and ordered to impound his passport vide order dated 11.10.2018. The said order is a non-speaking order and has been passed without granting opportunity of hearing to him.
3. Mr. Abhishek Khullar, Advocate, submits that petitioner cannot apply for a fresh or re-issuance of passport unless and until impugned order is set aside. He concedes that trial is pending against the petitioner and

without getting prior permission of trial court, neither the petitioner can be issued fresh passport nor can he travel abroad.

4. Ms. Neha Sharma, Advocate submits that passport was impounded on the ground of suppression of material facts. The petitioner did not file representation within time, thus, order was passed without considering his representation and granting an opportunity of personal hearing.

5. Mr. Aman Dhir, DAG, Punjab, submits that petitioner is facing trial in FIR No. 07 dated 13.01.2017, under Sections 307, 325, 323, 324, 148, 149 of IPC, registered at Police Station Dhariwal. The charges have already been framed and matter is at evidence stage.

6. The petitioner is concededly facing trial and charges stand framed. In terms of Notification No. 570 dated 25.08.1993, he can travel abroad or get re-issued passport after getting permission of the trial court. As per petitioner, he cannot seek permission of trial court unless and until impugned order impounding passport is set aside.

7. The impugned order has been passed without considering representation of the petitioner and granting him opportunity of hearing. Thus, there is violation of principles of natural justice. The petitioner cannot be deprived of passport for indefinite period.

8. To resolve the issue, this Court finds it appropriate to direct the passport authorities to consider application of the petitioner without being influenced by order dated 11.10.2018 subject to permission granted by trial court, in terms of Notification No. 570 dated 25.08.1993.

9. In view of above facts and findings, the petition stands disposed of.

11.03.2024
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned:	Yes	
Whether reportable:		No