



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

Sr. No. 129

**CRM-M-903-2025(O&M)
Date of Decision:14.01.2025**

Uday Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vikas Arora, Advocate
for the petitioner.

SANJAY VASHISTH, J.(ORAL)

1. By way of present petition filed under Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023, petitioner is seeking to quash the impugned order dated 12.09.2024 (annexed as Annexure P-3), vide which trial Court refused to grant permission to the petitioner to obtain his passport.

2. Learned counsel for the petitioner by referring Section 6(2) of the Passports Act, 1967 and reading out the provision (f) thereof, submits that it is the Court of Magistrate only where the proceedings in connection with FIR No.243 dated 23.12.2020, under Sections 325 and 323 read with Section 34 of the Indian Penal Code, registered at Police Station Boha, District Mansa are pending against the petitioner, which could grant permission to get the passport from the Passport Authority. However, Mr. Vikas Arora, Advocate for the petitioner gracefully admits that in all likelihood, the applicant failed in citing the provision of law in his application and even before the Court of learned Magistrate while his prayer was being considered by it. Thus, submits that let the prayer of the petitioner be re-considered by the Magistrate, where the proceedings against the petitioner in the aforesaid FIR are pending adjudication by ignoring the

already passed impugned order dated 12.09.2024 (Annexure P-3).

- 3. Notice of motion.
- 4. On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondents–State.
- 5. For the submission addressed by learned counsel for the petitioner, I do not find any strong reason to invite written response from the respondents-state and, hence, the same is dispensed with.
- 6. In the impugned order dated 12.09.2024 (Annexure P-3), learned Magistrate has made an observation that “*there is no requirement of granting permission and the issue is required to be decided by the competent authority (Passport Authority), as per their rules and procedures.*” In all probability, while observing so, neither the relevant provision of law was cited before the Magistrate concerned, the court itself nor examined the same; admittedly proceedings pending in criminal case, are pending before it.
- 7. Consequently, the impugned order dated 12.09.2024 (Annexure P-3), is hereby set aside with a direction to learned Magistrate to reconsider the request of the petitioner afresh by taking into consideration Section 6(2) (f) of the Passport Act, 1967 and the instructions, if any, issued by the State Government or the Central Government.
- 8. Let the order be complied within a period of four weeks from today.
- 9. Copy of this order be forwarded to the concerned Court.
- 10. Disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

14.01.2025
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No