

2025:PHHC:037080



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

CWP-7155-2025

Date of Decision: 17.03.2025

Yogaitam Sood

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Ms. Monica Chawla, Advocate
for the respondent-Union of India.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Certiorari to set aside order dated 05.11.2024 (Annexure P-8) passed by the Regional Passport Officer, Chandigarh (respondent No.3 herein), whereby the petitioner's passport application bearing No.CH3069987878024 dated 09.08.2024 has been declined; and order dated 27.12.2024 (Annexure P-9) passed by the Chief Passport Officer and Joint Secretary (PSP), Patiala (Appellate Authority) (respondent No.2 herein), whereby the appeal filed by petitioner against aforesaid order dated 05.11.2024 (Annexure P-8) has been dismissed.

2. During the course of hearing of the instant matter, learned

counsel for the petitioner has not disputed the fact that the petitioner is involved in three cases, bearing FIR No.142 dated 17.08.2023, under Sections 323, 452, 427, 506, 148, 149, 365 and 511 of the Indian Penal Code, FIR No.21 dated 12.02.2019, under Sections 323, 324, 341, 427 and 506 read with Section 34 of the Indian Penal Code and FIR No.12 dated 19.01.2021, under Sections 323, 341 and 506 of the Indian Penal Code; all registered at Police Station Dugri, Ludhiana. Learned counsel for the petitioner further states that in one of the aforesaid cases, i.e. in FIR No.12 dated 19.01.2021, charges have already been framed against the petitioner.

3. At this stage, Ms. Monica Chawla, Advocate appears on behalf of the respondent-Union of India, in pursuance of the advance copy of paper book having already been supplied to her; and refers to order dated 27.12.2024 (Annexure P-9) passed by the Chief Passport Officer and Joint Secretary (PSP), Patiala (Appellate Authority) (respondent No.2 herein). The relevant extract thereof reads as under:-

“6. And now, therefore, having gone through all the records and in the light of the full facts and circumstances of the case, I, as the Appellate Authority, as per the provisions u/s 11 of the Passports Act, 1967, decide the appeal as under:-

(I) Appellant i.e. Shri Yogaitam Sood applied for issuance of passport, vide file No.CH3069987878024 dated 09.08.2024 at Passport Office, Chandigarh.

*(ii) Later, PO received **adverse** Police report dated 23.08.2024 against the appellant stating that the appellant is involved in FIR No.12 dated 19.01.2021 registered at Police Station : Dugri, Ludhiana u/s 323, 324, 341, 427, 506 & 34 of Indian Penal Code (IPC) and the proceedings in this case are pending before the Court of JMFC, Ludhiana.*

(iii) It is evident that appellant, while applying for passport, suppressed this material information from PO that proceedings in FIR No.12 dated 19.01.2021 are pending for

Trial against the appellant in the Court of JMFC, Ludhiana.

(vi) Keeping in view the documents available on record, action of PO in refusing the appellant's passport application No.CH3069987878024 dated 09.08.2024 u/s 6(2)(f) of the Passports Act, 1967 is in order.

(vii) However, appellant may obtain No Objection/Permission from the concerned Trial Court for his travel abroad along with the prescribed undertaking as per Gazette notification No.GSR 570(E) dated 25.08.1993 and thereafter request PO for issuance of passport. Based on this Court's permission, PO may consider appellant's request for issuance of passport as per provisions contained in GSR 570(E) dated 25.08.1993 subject to usual checks and procedures.

(viii) Appeal is disposed of with above directions."

3.1 Learned counsel for the respondent/Union of India submits that since the petitioner is involved in three FIRs, out of which, FIR No.12 dated 19.01.2021 is pending trial against him before the trial Court; accordingly, he is required to submit an order from the concerned Court, permitting him to depart from India, in terms of the Government Instructions issued vide G.S.R. 570(E) dated 25.08.1993. She further submits that vide aforesaid order dated 27.12.2024 (Annexure P-9) as well, petitioner has been informed that in case, he obtains No Objection/permission from the concerned trial Court for departing from India then he can again submit a fresh application for issuance of passport before the passport authorities, which shall be considered in accordance with law.

4. Faced with this situation, learned counsel for the petitioner submits that he may be permitted to withdraw the instant writ petition with liberty to the petitioner to take recourse to apply afresh for issuance of passport before the passport authorities in terms of the provisions of Government Instructions issued vide G.S.R. 570(E) dated 25.08.1993.

5. Ordered accordingly.
6. All the pending application(s), if any, shall also stand closed.

17.03.2025

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No