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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10376-2025 (O/M)

Date of decision : 09.04.2025

Sarbans Parteek Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ravneet Singh Joshi, Mr. Sukhraj Singh, Advocates
for the petitioner.

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HARSH BUNGER, J. (ORAL)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India is for issuance of a writ in the nature of mandamus for directing respondents to release the petitioner's passport, which has been unlawfully retained by them and to allow the petitioner to travel abroad for professional purposes.

2. Learned counsel for petitioner submits that the petitioner is an Artist (Singer/Actor), who has performed in various shows and acted in various movies and for the said purpose, he often visits abroad. It is stated that during the period from 2018 upto 2024, the petitioner had visited various countries and thereafter returned back. It is further stated that during the Kisan Andolan, petitioner's name was wrongly included in two FIRs i.e. FIR No. 235 dated 08.12.2020 under Sections 147, 148, 149, 186, 332, 353, 269, 270 IPC, under Section 3 of Prevention of Damage to Public Property Act, 1984 and under Section 3 of Epidemic Diseases

Act, 1897, registered at Police Station South, Sector 34, Chandigarh, wherein he is on bail and another FIR No. 55 dated 17.07.2021 under Sections 147, 148, 149, 341, 427, 506, 269, 270 IPC, registered at Police Station South, Sector 49, Chandigarh, wherein no proceeding have undertaken.

2.1 It is stated that recently, the petitioner was issued passport No. C5310486 (Annexure P-8), however subsequently, the petitioner was served a letter dated 20.12.2024 (Annexure P-9) by the Passport Authorities, seeking certain clarifications from him and in pursuance to the aforesaid communication (Annexure P-9), the petitioner deposited his passport with the Regional Passport Office, Chandigarh. It is submitted that now the petitioner is required to travel abroad in relation to his work/profession, which has necessitated filing of instant writ petition for seeking release of his passport and to permit the petitioner to travel abroad.

3. In pursuance of advance copies of petition having been served upon respondents, Mr. Karan Kumar Jund, Senior Panel Counsel (UOI), appears on behalf of respondents No. 1 and 2 and Mr. Gaurav Mohunta, APP appears on behalf of respondent No. 3.

3.1 Learned counsel for respondents No. 1 and 2 submits that a police report was sought regarding the petitioner, which has been supplied yesterday only i.e. 08.04.2025, wherein nothing adverse has been reported against petitioner, except the fact that the aforesaid FIRs are pending.

3.2 Learned counsel for respondent No. 3 submits that although the said FIRs are pending, however, no action thereon is contemplated as on date.

3.3 Learned counsel for respondents No. 1 and 2 submits that since nothing adverse has come against the petitioner, accordingly, they would release passport of the petitioner within three days from today.

4. Keeping in view the aforesaid submissions made by learned counsel for respondents No. 1 and 2, the instant civil writ petition is disposed of accordingly.

5. At this stage, learned counsel for respondents No. 1 and 2 and also learned counsel for respondent No. 3 submit that the petitioner can be permitted to travel abroad subject to his giving an undertaking that he would return within specified time and subject to some surety.

6. Learned counsel for petitioner does not raise any objection to the said course of action being adopted.

7. In view of the above, the petitioner may travel abroad subject to giving his an undertaking before the Illaqa Magistrate indicating the time period within which petitioner would return to India and further submit one local surety in sum of Rs. 2,00,000/-.

8. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

09.04.2025

sjks

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No