



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

**CWP-14072-2025 (O&M)**  
**Date of decision :26.05.2025**

JASPAL SINGH

...Petitioner

Versus

UNION OF INDIA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Sarju Puri, Advocate  
for the petitioner.

Ms. Komalpreet Chauhan, Senior Panel Counsel,  
for respondents No.1 to 3.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

**HARSH BUNGER, J. [ORAL]**

Prayer in the present writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *mandamus*, directing the respondents to re-issue/renew the passport of the petitioner against his old/expired Indian Passport bearing No.B-3697602, issued by respondent No.3-The Regional Passport Officer, Jalandhar.

2. Briefly, the petitioner claims to be a holder of Indian Passport bearing No.N-3697602, issued by respondent No.3-The Regional Passport Officer, Jalandhar, which is stated to have expired on 09.09.2011.

2.1 It appears that one case FIR No.41 dated 05.04.2001 (Annexure P-2) under Sections 302, 379, 120-B, 1481, 149 IPC read with Section 25 of the Arms Act, was registered at Police Station Balachaur, District SBS Nagar. According to the petitioner, he was not named in the said FIR, however, subsequently upon an application filed by the

prosecution under Section 319 of the Cr.P.C., he was summoned to stand trial as an additional accused vide order dated 04.12.2003 (Annexure P-3).

2.2 It is stated by the petitioner that initially, he had left for Italy and thereafter, he migrated to United Kingdom, where he is currently stationed.

2.3 It appears that the petitioner has been declared as a proclaimed offender vide order dated 05.07.2005, although, the said order has not been attached with this writ petition.

2.4 Petitioner states that the afore-said case FIR No.41 dated 05.04.2001 (Annexure P-2) was tried against the other co-accused and they have been acquitted by the trial Court vide judgment dated 13.02.2009 (Annexure P-4).

2.5 Petitioner submits that he intends to return back to India to submit himself to the jurisdiction of the Court; however, since he is not having a valid passport, accordingly, he is unable to perform his journey. It is further stated that the petitioner is in process of filing a separate petition, seeking setting aside/quashing of the order dated 05.07.2005 whereby, he was declared as a proclaimed offender.

3. Ms. Komalpreet Chauhan, Senior Panel Counsel and Mr. Nirmaljit Singh Diwana, Senior Deputy Advocate General, Punjab, have appeared on behalf of respondents No.1 to 3 and respondents No.4 and 5-State, respectively, in pursuance of the advance copies of paper book having already been supplied to them.

4. Learned counsel appearing for respondents No.1 to 3 submits that since the petitioner is involved in a serious case of murder, in case FIR No.41 dated 05.04.2001 (Annexure P-2) wherein, he has also been declared

as a proclaimed offender; therefore, he can be issued an Emergency Certificate, authorizing him to enter India, so as to enable him to join the proceedings in the afore-said case FIR No.41 dated 05.04.2001 (Annexure P-2). It is further submitted that after the conclusion of the proceedings in case FIR No.41 dated 05.04.2001 (Annexure P-2) and/or in the eventuality of the aforesaid FIR being quashed, the petitioner can apply for re-issuance of his passport, which would be considered by the concerned authorities, on its own merits.

5. In view of the afore-said stand taken by the learned counsel representing respondents No.1 to 3, learned counsel for the petitioner prays for withdrawal of the present writ petition with liberty to the petitioner to apply for issuance of Emergency Certificate, authorizing him to enter India, before the Consulate General of India/High Commission of India, London, United Kingdom.

6. Ordered accordingly.

7. It goes without saying that that in case, the petitioner returns to India on Emergency Certificate and joins the proceedings in case FIR No.41 dated 05.04.2001 (Annexure P-2), he would be at liberty to apply for re-issuance/renewal of his passport before the concerned authority in accordance with law, which would be considered by the passport authorities on its own merits.

8. All pending application/s, if any, shall also stand closed.

**May 26, 2025**  
gurpreet

**(HARSH BUNGER)**  
**JUDGE**

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