

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9405-2025 (O/M)

Date of decision : 03.04.2025

Baljinder Singh

..... Petitioner

Versus

Union of India and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ajaypal Singh Sandhu, Advocate
for the petitioner.

..-

..-

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 issue passport to the petitioner as the passport application submitted by petitioner has been kept pending on account of an adverse police verification report.

2. Learned counsel for petitioner submits that the petitioner is an accused in cross version recorded vide rapat No. 35 dated 22.04.2017 under Sections 307, 506, 336, 148, 149 IPC in case FIR No. 77 dated 22.04.2017, registered at Police Station Sadar, Ferozepur under Sections 307, 452, 323, 148, 149 IPC. It is further submitted that the petitioner had approached the trial Court in terms of Notification No. GSR 570-E, dated 23.08.1993, seeking permission for renewal of passport/departing from India and the Court of learned Additional Sessions Judge-I, Ferozepur, vide order dated 18.01.2025 (Annexure P-4), allowed the prayer of the petitioner for renewal of his passport, however, it has been further observed that the petitioner shall not leave the country without the prior permission of the said Court, during the pendency of the case.

3. In pursuance of advance copy of petition having been served upon respondents, Mr. Amit Sharma, Senior Panel Counsel appears on behalf of respondents and submits that although the trial Court

has permitted renewal of the passport of the petitioner and at the same time has also observed that the petitioner would not leave the country without the prior permission of the said Court; however, there are various countries, in which there is no requirement of getting a visa and since the petitioner is involved in a criminal case, therefore, he might abscond to one of such countries where the visa is not required.

4. At this stage, learned counsel for petitioner submits that the apprehension expressed by learned counsel for respondents is misplaced and without any basis. He submits that in case the passport of the petitioner is renewed, the petitioner would deposit the said passport with the trial Court where the trial in the above noticed cross version (rapat No. 35 dated 22.04.2017 in case FIR No. 77 dated 22.04.2017, Police Station Sadar, Ferozepur) is pending, alongwith an undertaking that the petitioner would not leave the country without seeking the prior permission from the trial Court.

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

6. In view of the above, the instant civil writ petition is disposed of with the following directions :-

- i) The petitioner herein shall submit an undertaking along with an affidavit to the trial court where trial in cross-version (in rapat No. 35, dated 22.04.2017 in case FIR No. 77, dated 22.04.2017, Police Station Sadar, Ferozepur) is pending; stating that he will not leave India during pendency of the said case without permission of the Court and that he will co-operate with trial Court in concluding the proceedings in the said case.
- ii) On filing such an undertaking as well as affidavit, the trial Court shall issue a certified copy of the same within two (02) weeks therefrom;
- iii) The petitioner herein shall submit certified copy of aforesaid undertaking before the Regional Passport Officer, Amritsar for renewal of his passport;
- iv) The Respondent-Regional Passport Officer, Amritsar shall consider the application of the petitioner for issuance of passport in

the light of the observations made by this Court herein as well as the contents of the undertaking given by the petitioner for renewal of his passport in accordance with law, within three (03) weeks from the date of receipt of copy of said order;

v) On renewal of the Passport, the petitioner herein shall immediately deposit the renewed Passport before the trial Court; and

vi) However, liberty is granted to the petitioner herein to file an application before the trial Court seeking permission to travel abroad and it is for the trial Court to consider the same in accordance with law.

7. Pending applications(s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

03.04.2025
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No