

CWP-6637-2025 *along with*
CWP-6621-2025

-1-

103 & 102

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

Date of Decision: 27.03.2025

(I)

2025:PHHC:048272



CWP-6637-2025

Jaswant Singh

.....Petitioner

Versus

Union of India and others

..... Respondents

(II)

2025:PHHC:048273



CWP-6621-2025

Mandeep Kaur

.....Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Bikramjit Singh Baath, Advocate
for the petitioner(s).

Mr. Prajwal Chauhan, Central Government Counsel,
for respondents No.1 to 3.

Mr. Navneet Singh, Senior DAG, Punjab
for respondent No.4/State.

HARSH BUNGER J. (ORAL)

This order shall dispose of two writ petitions, bearing CWP-6637-2025 and CWP-6621-2025, as both of them involve the same subject matter.

2. Both the aforesaid writ petitions have been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Mandamus for directing respondents No.1 to 3 to re-issue the passport to respective petitioners; which have been applied by them in the Consulate General of India, Milan, Italy, vide their separate applications dated, as the same stand closed on account of the adverse report submitted by the Senior Superintendent of Police, Batala.

3. Briefly, Jaswant Singh (petitioner in CWP-6637-2025) is an accused in case FIR No.95 dated 14.07.2007, which has been lodged at the behest of his first wife, on the allegation that he has performed second marriage on 08.01.2007, without getting divorce from her. It is stated that Jaswant Singh had left India alongwith his second wife, namely Mandeep Kaur (petitioner in CWP-6621-2025), on 23.01.2007 and started residing in Italy.

4. It is not disputed before this Court that both the petitioners, i.e. Jaswant Singh and Mandeep Kaur, are accused in case FIR No.95 dated 14.07.2007, and they have been declared as Proclaimed Offenders therein.

5. It appears that the petitioners have filed a petition bearing CRM-M No.56437 of 2024 titled as ***“Jaswant Singh and another Vs. State of Punjab and another”***, before this Court, seeking quashing of the aforesaid FIR No.95 on the basis of compromise arrived at between the parties. Another petition bearing CRM-M No.56434 of 2025 has been filed by the petitioners, seeking quashing of order dated 15.04.2008 passed by the learned Judicial Magistrate, Ist Class, Batala, in FIR No.95 dated 14.07.2007, whereby they have been declared as Proclaimed Offenders.

6. Apparently, the earlier passport issued to Jaswant Singh

(petitioner in CWP-6637-2025) stood expired on 02.12.2020 and that of Mandeep Kaur (petitioner in CWP-6621-2025) stood expired on 06.11.2016. Both the petitioners had applied for re-issuance of their respective passports in the Consulate General of India, Milan, Italy, vide their separate applications dated 09.02.2021 (submitted by Jaswant Singh) and 20.09.2023 (submitted by Mandeep Kaur). It appears that both the said applications stand closed by the Consulate General of India, Milan, Italy, on the basis of adverse report received against the petitioners from the Office of Senior Superintendent of Police, Batala, who has not recommended the re-issuance of passports to the petitioners on the ground that they are involved in case FIR No.95 dated 14.07.2007 and have further been declared as Proclaimed Offenders therein.

7. Mr. Prajwal Chauhan, Central Government Counsel and Mr. Navneet Singh, Senior Deputy Advocate General, Punjab have appeared on behalf of respondents No.1 to 3 and respondent No.4/State, respectively, in pursuance of the advance copies of paper book having already been supplied to them.

7.1 Learned counsel for respondents No.1 to 3 submits that as the petitioners (Jaswant Singh and Mandeep Kaur) are involved in case FIR No.95 dated 14.07.2007, wherein they have also been declared as Proclaimed Offenders, therefore, they can be issued an Emergency Certificate, authorizing them to enter India, so as to enable them to join the proceedings in the said FIR No.95 dated 14.07.2007. It is further submitted that after the conclusion of proceedings in case FIR No.95 dated 14.07.2007 and/or in the eventuality of the aforesaid FIR being quashed, the petitioners (Jaswant Singh and Mandeep Kaur) can apply for re-issuance of their

respective passports, which would be considered by the concerned authorities, on its own merits.

8. In view of the aforesaid stand taken by respondents No.1 to 3, no further orders are required to be passed in the instant writ petitions (CWP-6637-2025 and CWP-6621-2025) and the same are accordingly dismissed; however, leaving it open to the petitioners (Jaswant Singh and Mandeep Kaur) to apply for issuance of Emergency Certificate(s), authorizing them to enter India, before the Consulate General of India, Milan, Italy/concerned authority. It goes without saying that in case, the petitioners return to India on Emergency Certificate and join the proceedings in FIR No.95 dated 14.07.2007, they would be at liberty to apply for re-issuance of their respective passport(s) before the concerned authority in either of the below mentioned eventualities:-

- (i) upon conclusion of the proceedings in FIR No.95 dated 14.07.2007; and/or
- (ii) upon quashing of FIR No.95 dated 14.07.2007; and/or
- (iii) in terms of the provisions of Government Instructions issued vide G.S.R. 570(E) dated 25.08.1993.

9. All pending application(s), if any, shall also stand closed.

10. Photocopy of this order be placed on the file of connected case.

27.03.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No