

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

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Civil Writ Petition No.1364 of 2015

Date of Decision: April 08, 2015

Kulwant Singh

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Indresh Goel, Advocate
for Union of India-respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Counsel for the petitioner submits that Section 6(2)(e) of the Passport Act, 1967 bars issuance of a passport to the applicant, who at the time of making an application, has been convicted by the Court in India for an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years. As per the said provision, from the date of conviction of the petitioner i.e. 14.05.2001 by the Additional Sessions Judge, Hoshiarpur for a period of seven years imprisonment, the passport could not have been issued to him till 13.05.2006. In any case he contends that although his appeal has been dismissed on 14.01.2011 being Criminal Appeal No.657-SB of 2001, the petitioner has till date undergone the complete sentence and has been released from Central Jail, Ludhiana. He has referred to and produced a copy of the release order dated 20.09.2013. He, therefore, contends that there is no impediment for issuance of a passport to the petitioner as of now.

Counsel for the respondents, on the other hand, submits that the

only objection, which the respondents have, with regard to the issuance of the passport to the petitioner, was that he had not mentioned that he had actually completed the sentence awarded by the Court.

Perusal of the impugned order/communication dated 01.01.2005 (Annexure P-6) indicates that the ground for rejection of the application of the petitioner for issuance of the passport was that the period of five years will be counted from the date of last judgment in the appeal i.e. 14.01.2011, which from the plain reading of Section 6(2)(e) of the Passport Act, cannot be said to be the correct reading thereof.

Counsel for the respondents has not been able to show any Rule/Instruction, which would further enhance the stand of the respondents, which has been taken by them in the impugned order/communication dated 01.01.2015 (Annexure P-6).

Keeping in view the fact that the petitioner has already completed the sentence, which was imposed on him by the trial Court and also keeping in view the fact that the period of five years has since expired from the date of his conviction, the stand of the respondents in the impugned order cannot be sustained.

The present writ petition is allowed. Direction is issued to the respondents to issue the passport to the petitioner within a period of four weeks from today.

April 08, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE