

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

Civil Writ Petition No.26066 of 2014

Date of decision:20.02.2015

Balbir Singh son of Didar Singh, resident of House No.476,
Narayangarh Bypass, Opposite Power House Chheharta, Tehsil and
District Amritsar.

... Petitioner

versus

Union of India through the Secretary, Government of India, Ministry
of External Affairs, New Delhi, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

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

Mr. Vivek Chauhan, Senior Counsel,
for Union of India.

Ms. Vandana Malhotra, Additional Advocate General,
Punjab.

K.Kannan, J. (Oral)

1. Reply filed by way of affidavit on behalf of respondent

No.4 is taken on record.

2. An application for issuance of passport has not yet been
favourably considered by the authority on the ground that the State
has not forwarded its "No Objection". It appears that the State has
attempted to explain that there are criminal cases registered against
the petitioner which after an investigation revealed to the police that
there was no cognizable case made. The State counsel would submit

that since the reports have not been accepted by the court, it is not possible for them to give report of 'No Objection' for issuance of a passport.

3. If the police investigation itself reveals that there is no case to be prosecuted against the petitioner, it ought not to result in a situation of the petitioner not being favourably considered for issuance of a passport. The fact that the report has not been accepted by the criminal court could be duly addressed by allowing the petitioner to have the benefit of the passport but he will not go out of the country without taking appropriate permission from the court before which the cancellation report has been submitted.

4. The petitioner will surrender the passport to the criminal court and take appropriate orders for its release before going abroad. The respondents 1 and 2 will issue the passport in accordance with law within 4 weeks and on its receipt, the petitioner shall surrender it within a week from the date of receipt thereof. To facilitate the entire process, the Commissioner of Police, Amritsar is directed to issue a 'No Objection Certificate' in terms of this order.

5. The writ petition is allowed and disposed of on the above terms.

(K.KANNAN)
JUDGE

20.02.2015
sanjeev