

CWP No.14330 of 2014

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

**CWP No.14330 of 2014
Date of decision:04.04.2016**

Balwir Singh

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rakesh Kumar, Advocate,
for the petitioner.

Mr. Karminder Singh, Advocate,
for respondent Nos.1 and 2.

Mr. Suresh Singla, Addl. A.G., Punjab,
for respondent Nos.3 and 4.

Mr. Vivek K. Thakur, Advocate,
for respondent No.5.

Rakesh Kumar Jain, J.

The petitioner has allegedly applied for passport vide file No.JA 3060991823013 dated 02.05.2013. The passport was not issued to him and he was orally told that it has already been issued in his name. The petitioner came to know that his real brother Wazir Singh got issued a passport by affixing his (Wazir Singh) photograph while submitting the particulars of the petitioner (Balwir Singh). The petitioner allegedly made a complaint to the SHO, P.S., Begowal and SSP, Kapurthala for taking action against his brother for playing fraud but no action was taken. He has, thus, approached this Court with a prayer to direct respondent No.2 to issue him

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passport on his application.

In reply filed by respondent No.2, it is averred that a passport No.S373751 dated 30.11.1994 was issued to the petitioner with particulars of his parents as son of Dharam Singh and mother Dhan Kaur with date of birth as 03.04.1958, supported by school certificate issued by the Headmaster, Government Co-Aid High School, Begowal and affidavit dated 03.08.1994 with photograph. It is alleged that the petitioner has now applied for a new passport without disclosing the particulars of passport of 1994, which cannot be issued.

In the reply filed by respondent Nos.3 and 4, it is alleged that FIR No.1 dated 03.01.2016, under Sections 419, 420, 467, 468, 471 of the IPC has been registered in Police Station Begowal, District Kapurthala against Wazir Singh (brother of the petitioner) after thorough inquiry by the In-charge, Economic Wing, Crime Branch, Kapurthala and the case is under investigation.

During the pendency of this case, Wazir Singh filed an application bearing CM No.425 of 2016 under Order 1 Rule 10 of the CPC for impleading him as a party. The said application was allowed vide order dated 16.02.2016.

The newly added respondent, namely, Wazir Singh filed his reply in which he has alleged that the petitioner himself was involved in getting the passport issued in the year 1994 because Baldev Singh Manda, Nambardar, has stated that he had attested the document on the asking of the petitioner who came for verification with the police official and the similar

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statement has been given by the Headmaster of the school that the certificate was issued on his asking. It is also alleged that he had gone to England in the year 1995 and came to India in 2012. The sum and substance of his reply is that the petitioner is making false allegations against him as all the documents in original were supplied and got attested by him.

I have heard learned counsel for the parties and examined the available record.

It is an admitted position that passport No.S373751 dated 13.11.1994 was issued in the name of the petitioner with supporting documents though the application filed for issuance of the passport allegedly bears the photographs of Wazir Singh.

Counsel for respondent No.2 made a statement, as recorded in the order dated 17.03.2016, that the passport authority has no objection to issue a new passport to the petitioner in case the old passport No.S373751 is surrendered to it because two passports cannot be issued to a person.

The stand taken by respondent No.2 is justified. The petitioner is alleging fraud by his brother Wazir Singh who is also alleging connivance of the petitioner in it. This matter can only be established during investigation of the criminal case which has now been registered vide FIR No.1 dated 03.01.2016 but the fact remains that there is no provision for issuance of two passports to a person. The petitioner may be issued a passport if passport No.S373751 is deposited with the passport authority. It is up to the petitioner either to get that passport surrendered from respondent No.5 or it may be recovered during investigation of the criminal

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case and surrendered with the permission of the Court for its cancellation.

Till such time, the prayer made by the petitioner cannot be accepted.

With these observations, the present petition stands disposed
of.

April 04, 2016
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(Rakesh Kumar Jain)
Judge