

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 863 of 2016
Date of Decision: 26.8.2016

Kuldip Singh Sidhu

.....Petitioner

Vs.

Union of India and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Mr. Vivek Singla, Advocate
for respondent No.1.

Mr. Indresh Goyal, Advocate
for respondent No.2.

Ms. Monica Chibber Sharma, DAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

When this case came up for hearing on 1.8.2016, following order was passed by this Court:-

“It is undisputed between the parties that prerequisite for denial of issuance of passport is conviction and sentence for not less than two years, as provided under Section 6 (2) (e) of the Passport Act. The Regional Passport Officer-respondent No.2 has taken a stand in his reply that since office of respondent No.4 has not recommended case of the petitioner for release of passport, same has been denied by respondent No.2. It is also not in

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dispute that petitioner has been convicted and sentenced only for one year of imprisonment. Learned counsel for respondents No.2 has fairly stated that although release of passport could not have been denied to the petitioner because of his conviction and sentence of imprisonment for one year, yet the same has been denied only because of the reason that office of respondent No.4 has not recommended case of the petitioner.

In view of the above, the Senior Superintendent of Police, SAS Nagar, (Mohali)-respondent No.4 is directed to file his own affidavit as to whether, except his conviction and sentence for one year in FIR No. 90 dated 13.3.2010 registered at Police Station, Phase-I, SAS Nagar (Mohali), petitioner is involved in any other criminal case because of which release of passport can be denied to him.”

In compliance of the abovesaid order, affidavit dated 17.8.2016 of the Senior Superintendent of Police, SAS Nagar (Mohali), filed in the Court today, is taken on record and copy thereof has been supplied to the learned counsel for the petitioner.

Relevant averments taken in para 4 of the affidavit filed today, read as under:-

“That it is respectfully submitted that vide order dated 1.8.2016, this Hon'ble Court had raised a query that whether the petitioner is involved in any other criminal case because of which release of passport can be denied to

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him.

In reply to the same, it is submitted that from the perusal of the aforementioned report of the SP (Investigation), District SAS Nagar, there is no other case/FIR registered against the petitioner wherein, the petitioner has been convicted for 2 years or more.”

After going through the abovesaid order dated 1.8.2016 passed by this Court and the averments taken by the Senior Superintendent of Police, SAS Nagar (Mohali) in para 4 of his affidavit dated 17.8.2016, learned counsel for respondent No. 2 also fairly states that once the Senior Superintendent of Police, SAS Nagar (Mohali), has clarified that there is no case registered against the petitioner, there would be no bar in releasing the passport in his favour.

In view of the abovesaid statement made by learned counsel for respondent No.2, present writ petition is disposed of with a direction to the Regional Passport Officer-respondent No.2 to consider the matter and pass an appropriate order at an early date, strictly in accordance with law, but in any case within a period of six weeks from the date of receipt of certified copy of this order.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

26.8.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No