

CWP-1292-2017

Date of Decision : 30.05.2017

Dawinder Singh

.....Petitioner

versus

Union of India and others

....Respondents

**CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**

**Present:** Mr. Vivek K. Thakur, Advocate  
for the petitioner.

Mr. Indresh Goel, Advocate  
for respondents No. 1 and 2.

Mr. Inder Pal Goyat, Addl.A.G., Punjab.

**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner claims that he is entitled to issuance of passport, as there is no criminal case registered against him as the cancellation report had been submitted by the investigation agency.

The plea of the petitioner is that cancellation report having not been accepted by the Additional Chief Judicial Magistrate, Kapurthala vide order dated 20.01.2012 and further investigation having not been finalized, the petitioner would be entitled to issuance of the passport.

A perusal of the order dated 20.01.2012 Annexure P-4 indicates that complainant had not appeared before the Additional Chief Judicial Magistrate, Kapurthala to oppose the cancellation report. The cancellation report had not been accepted on account of the complainant being not traceable to the police.

In view of said circumstances, the refusal to grant passport

to the petitioner is unreasonable and unjustified. A direction is issued that in case the petitioner files a fresh application for passport in accordance with the rules and regulations, the registration of FIR No. 54 dated 07.06.2010 under Sections 323/324/452/148/149 IPC registered at Police Station, Kapurthala will not be an obstacle and the police clearance certificate will not be denied on the basis of the said FIR or the order dated 20.01.2012, which, on the face of it, is illegal.

Disposed of with the above directions.

**(M.M.S. BEDI)**  
**JUDGE**

**30.05.2017**  
*Neha*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No