

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1673 of 2016

Date of Decision: 01.03.2017

Sukhvinder Singh

.....Petitioner

Vs.

Union of India and others

.....Respondents

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

Present: Mr.Sushant Kohli, Advocate for the petitioner.

Mr.Gaurav Jindal, Addl. A.G. Haryana.

Mr.Indresh Goel, Advocate for respondents no. 2 and 3.

Mr.S.S.Chandumajra, Addl.A.G. Punjab for
respondents No. 4 and 5.

Mr.K.D.S. Hooda, Advocate for
respondents No. 6 to 9.

M.M.S.BEDI J. (ORAL)

The petitioner has preferred this writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.2, the Regional Passport Officer, Jalandhar Division, Jalandhar, Punjab to consider representation of the petitioner dated 01.12.2015 and not to seize the passport (Annexure P-1) issued to the petitioner.

Reply filed on behalf of the police authorities i.e. respondents No. 4 and 5 reveals that a case bearing FIR No.58 dated 29.03.1990 for offence under Sections 419/420/468/471/473/212/216/120-B IPC and 25 of the Arms Act, 1959 as well as Sections 3/4/5 of Terrorist and Disruptive Activities (Prevention) Act, was registered at Police Station Kotwali, Kapurthala and during investigation of the case, name of the petitioner had been cropped up, but no evidence was available, as such, the cancellation report had been prepared by the SHO Police Station Kotwali, Kapurthala on

02.04.2016 and submitted the same in the Court of Judicial Magistrate Ist Class, Kapurthala on 11.05.2016. The said cancellation report is pending for hearing of the complainant.

Learned State counsel, on instructions from ASI-Jeet Singh, Police Station Kotwali Kapurthala, has informed that the petitioner is not involved in any other case at present.

In view of the said circumstances, the petitioner being not an accused, so far as the issuance of passport is concerned, he is entitled for issuance of a passport.

It is claimed by counsel for the petitioner that the passport can be refused only in terms of Section 6 of the Passport Act, 1967. Section 6(2) (f) of the Passport Act, 1967 provides that passport can be refused in case of an offence which is pending before a Criminal Court in India.

In the above circumstances, this writ petition is allowed and a direction is issued that the representation of the petitioner dated 01.12.2015 (Annexure P-9) shall be considered within a period of two months by the Regional Passport Officer concerned, by taking into consideration all the circumstances mentioned in the representation and in case, opportunity of hearing is required, the petitioner may be called for hearing.

A direction is also issued that final decision would be taken within a period of two months after a receipt of a certified copy of this order and in case, petitioner is not involved in any other case, he may be issued passport in accordance with Rules.

(M.M.S.BEDI)
JUDGE

01.03.2017
ANJAL

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No