

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

(210)

CWP-20826-2014

Decided on: April 24, 2017.

Jatinderbir Singh

.... Petitioner

Versus

Union of India and others

..... Respondents

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

Present: Mr. D.S. Pheruman, Advocate, for the petitioner.

Ms. Navdeep, Advocate, for
Mr. Ashok Kumar Arora, Advocate,
for respondents No. 1 and 2.

Ms. Anu Pal, AAG, Punjab.

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

Through instant writ petition, the petitioner seeks a writ in the nature of mandamus directing respondent No.2-Passport Officer, Amritsar to issue passport to the petitioner which was applied by him on 28.01.2014.

Petitioner claims that he was involved in a criminal case of murder and for an offence under Section 3 of the T.A.D.A. (P) Act in the year 1992 but has been acquitted by the trial Court on 08.10.1998 vide judgment Annexdure P-3. It is claimed by the petitioner that none of the ineligibilities exists for refusal of the passport under Section 6 of the Passport Act.

On notice having been issued, it has been informed by the State counsel that at present the petitioner is not involved in any criminal case but an apprehension has been raised that in case passport is issued to the petitioner, he might indulge in any illegal activity.

I have heard learned counsel for the petitioner and gone through the record and I am of the opinion that on account of petitioner having already been acquitted in the criminal case and having not been involved in any case after the acquittal order in the year 1998, there is no reasonable ground to deny passport to the petitioner.

The petition is allowed. It is ordered that application of the petitioner may be reconsidered by the Passport Officer, Amritsar by obtaining fresh report.

In view of petitioner being not admittedly involved in any criminal case and having already been acquitted in all the criminal cases registered against him, there is no bar under Section 6 of the Passport Act to issue a passport. It is directed that case of the petitioner will be reconsidered and he be granted passport applied by him after necessary formalities.

(M.M.S. BEDI)
JUDGE

April 24, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No