

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

**CWP No.17206 of 2017
Date of Decision: 03.08.2017**

Ravinder Pal Sethi alias Ravinder Pal Singh alias Rinku Sethi
.....Petitioner

Vs.

Union of India and others
.....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Sandeep K. Sharma, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for seeking a direction to the respondents-passport authority to issue fresh passport to the petitioner to enable him to visit abroad to attend the wedding of his brother-in-law, which is to be solemnized on 14.10.2017.

During the course of hearing, learned counsel for the petitioner has fairly submitted that the petitioner has already been convicted in the matter registered vide FIR No.54 dated 28.06.2008 under Sections 307/353/332/333/341/148/149 at Police Station, Sadar, Division No.3, Jalandhar by the Additional Sessions Judge vide his order dated 8.8.2016 for the period of three years. He has referred to a decision of this Court rendered in *CWP No.8902 of 2012* titled as "*Tarsem Singh Vs. Union of India and others*" decided on 15.1.2014 to contend that in that case permission was granted by this Court.

I have heard learned counsel for the petitioner and perused the record.

Section 6(2)(e) of the Passport Act, 1967 [for short ‘the Act’], which is relevant for this case, is reproduced as under: -

“(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

According to the aforesaid provision, the passport can be refused if the applicant has been convicted, during the period of five years immediately preceding the date of his application, by a Court in India for an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years.

In the case of ***Tarsem Lal (Supra)***, the conviction was of the year 2009 but the Court gave the permission. Section 6(2)(e) of the Act specifically lays down a bar that before the completion of five years the passport cannot be issued.

Relying upon the basic provisions of the Act, I am of the considered opinion that the prayer made by the petitioner cannot be granted and hence, the present petition is hereby dismissed.

03.08.2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*