

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11706 of 2017
Date of decision:16.05.2018

Kapil Sethi

...Petitioner

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr.Anuj Balian, Advocate for the petitioner.

Ms.Sheenam Sura, Central Govt. Counsel for respondents No.1
and 2.

Mr.Saurabh Mohunta, DAG Haryana.

Rakesh Kumar Jain, J. (Oral)

The petitioner is aggrieved against the order dated 29.11.2016 (Annexure P-2) which pertains to the question of issuance of passport to the petitioner.

Counsel appearing on behalf of Regional Passport Office has submitted that the petitioner had been asked by the said letter to appear before the passport authority alongwith particulars of his court case so that the matter can be resolved but instead of appearing before the Regional Passport Officer, he has filed the present petition.

Counsel for the petitioner has submitted that passport of the petitioner can be cancelled in terms of Section 10 of the Passports Act, 1967 (for short 'the Act'). He has pertinently mentioned that **Sub-section** (3) (e) of Section 10 of the Act says that "if proceedings in respect of an offence alleged to have been committed by the holder of the passport or travel

document are pending before a criminal court in India.”

In this regard, it is submitted that there is no criminal case pending against the petitioner in India. Emphasis is in respect of FIR No.176 dated 7.4.2015 registered against the petitioner under Section 3/4/5 of Immoral Traffic Act, 1956 and under Section 13(3) of Public Gambling Act, 1867 in which charge has not been framed. In this regard, he has relied upon an order passed by this Court rendered in the case of ***Daler Singh Vs. Union of India and others 2015 (4) PLJ (Criminal) 813.***

Be that as it may, the petition is hereby disposed of with a direction to the respondents to reconsider the case of the petitioner in the light of the aforesaid decision of this Court rendered in ***Daler Singh's case (supra).***

The petitioner is directed to appear before the Regional Passport Officer on 31.5.2018 at 11 A.M. He would carry all the relevant documents much less the documents asked for vide order dated 29.11.2016 which has been impugned in the present petition.

With the aforesaid observations, the present petition is hereby disposed of.

May 16, 2018
Meenu

(Rakesh Kumar Jain)
Judge

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