

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12083 of 2018
Date of decision:October 3, 2018

Vandita Batta

...Petitioner

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr.Sanjeev Manrai, Sr.Advocate with
Mr.Inderjit Singh, Advocate for the petitioner.

Mr.P.S.Sidhu, advocate for respondents No.1 and 2.

Mr.J.S.Toor, Advocate for respondent No.3.

Rakesh Kumar Jain, J. (Oral)

The petitioner was earlier holding a passport No.J0487550 which was issued to her at New Delhi on 28.5.2010 and had the validity upto 27.5.2020. The petitioner was working with M/s Tupperware India Pvt. Ltd. She had applied for a fresh passport because all the leaves in her passport were used. The Passport Authority did not issue passport to her, therefore, the petitioner filed CWP No.23112 of 2017 for seeking a direction to the respondent-passport Authority for renewal of her passport. The said writ petition was disposed of 18.1.2018 with a direction to the petitioner to submit a detailed representation to the respondents therein within a period of two weeks and thereafter, the passport Authority was directed to decide the same accordingly.

The petitioner filed a representation on 25.1.2018 and pursuant thereto, the respondents have issued her the passport on 5.3.2018 but the validity period has been reduced to 4.3.2019 instead of 27.5.2020.

The respondents have filed their reply in which it is averred that the passport Authority, in terms of Section 6(2)(f) of the Passport Act, 1967 (for short 'the Act'), can refuse the passport facility to the applicant against whom criminal proceedings before the Criminal Court in India are pending. It is further averred that the petitioner is involved in a case registered vide FIR No.245 of 2015 under Sections 406/420 IPC and 3 and 4 of Prize Chit Money Circulation Scheme Banning Act, 1978 at Police Station Sector 31, UT Chandigarh.

Learned counsel for the petitioner has submitted that in the said case challan has not been presented. Therefore, there is no matter before the Court. Reference may be held to Section 6(2)(f) of the Act which says that "a passport can be refused or revoked or cancelled on the ground that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India." Counsel for the petitioner submits that there is no case pending in the Court. In this regard, he has relied upon a judgment of this Court in the case of *Sahib Jaskaran Singh Vs. Union of India and others CWP No.19551 of 2015 decided on 13.10.2015* in which this Court has held that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India would be where the charge has been framed.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that there is merit in the arguments of the petitioner as the petitioner had applied only for the issuance of a new passport with fresh leaves. There was no occasion for the respondents to have changed the validity period of the passport held by the petitioner while issuing her new passport on 5.3.2018. Moreover, there is no bar at present to deny the facility of the passport because only FIR has been registered against the

petitioner but challan under Section 173 Cr.P.C. is not presented much less the charge has not been framed.

Thus, in view thereof, the present petition succeeds and a direction is issued to respondent No.2 to issue a new passport to the petitioner with validity period contained in passport No.J0487550 i.e. upto 27.5.2020. The needful shall be done within a period of five days from the date of receipt of copy of this order.

October 3, 2018
Meenu

(Rakesh Kumar Jain)
Judge

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