

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

CWP-14885-2017 (O&M)
Date of decision : 10.08.2018

Jaswinder Singh

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mohd. Yousaf, Advocate,
for the petitioner.

Mr. Manish Singla, Advocate,
for Mr. Ajay Kumar Gupta, Advocate,
for respondent Nos.1 and 2.

Ms. Deepali Puri, Addl.A.G., Punjab,
for respondent Nos.3 and 4.

JITENDRA CHAUHAN, J.

Prayer in the present petition filed under Articles 226/227 of the Constitution of India, *inter alia*, is for issuance of a writ in the nature of Mandamus, directing respondent No.4 to provide necessary documents to respondent Nos.1 and 2 and on the basis thereof, respondent Nos.1 and 2 to re-issue the passport to the petitioner.

Contents that the petitioner never went abroad and utilized his Passport. In fact, Lakhwinder Singh, cousin of the petitioner went to England where he lost his Passport. On the photocopy of the Passport of the petitioner carried by Lakhwinder Singh, he pasted his photograph and on the basis thereof, Emergency Certificate was issued to him for deportation.

When the petitioner approached the Passport Authorities for renewal of the Passport held by him, he was told that he has misused the Passport as he has visited England and the Passport was stated to be misplaced. The petitioner, thereafter, submitted documents as well as his finger prints were taken on which it came out that the petitioner in fact never visited England and the photocopy of his Passport was misused by his cousin Lakhwinder Singh. The petitioner made a complaint and FIR No.79 dated 14.07.2017, under Sections 420 and 465 of the Indian Penal Code has been registered at Police Station Tapa, District Barnala, wherein, arrest warrants have been issued against accused-Lakhwinder Singh.

Heard.

After hearing learned counsel for the petitioner, it emerges that the petitioner did not use his Passport and the mischief, if any, was done by his cousin, Lakhwinder Singh, against whom, appropriate action has been initiated. However, the fact as to how said Lakhwinder Singh had access to the passport or the photocopy thereof has not been explained by him. The authorities, if for any reason, deem it proper are free to investigate this aspect of the matter and convey the findings, if any, to respondent No.2 expeditiously preferably within four weeks from the date of receipt of the certified copy of the order.

After the receipt of the report, if any, within the stipulated period indicated in the preceding para, respondent Nos.1 and 2 are directed to take necessary action on application No.CHD079120363215, moved by the petitioner for renewal of his Passport No.E3635960 and if there is no impediment and he is qualified to hold the passport, may issue/renew the

same expeditiously and finalize the matter within three weeks thereafter.

Disposed of.

10.08.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No