

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

CWP-20589-2017 (O&M)

Date of Decision: 20.09.2018.

Amninder Singh

... Petitioner

Versus

Regional Passport Officer

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. P.K. Jain, Advocate &
Mr. Abhishek Sharma, Advocate,
for the petitioner.

Mr. Indresh Goel, Advocate,
for the respondent.

JITENDRA CHAUHAN.J.(ORAL)

Through the instant civil writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioner seeks setting aside of order dated 05.05.2017 (Annexure P-4) passed by the respondent and seeks issuance of a fresh passport.

It is contended that the petitioner is a convict in FIR No.56 dated 18.05.2006 registered under Sections 302 and 324 read with Section 34 IPC. However, he has been released from jail after completion of his sentence on 01.04.2016. The petitioner approached the passport authorities for renewal of his passport but the authorities have refused to renew the passport.

On the other hand, it is contended that as per Section 6(2)(e) of the Passports Act, 1967 (for short “the Act”), there has to be clean antecedents of the applicant five years prior to the date of making

application. Otherwise also, the petitioner has not availed the remedy of appeal provided under Section 11(1) of the Act wherein the order passed by the Passport Authority is appealable before the Chief Passport Officer.

Heard.

For facilitation, Section 6(2)(e) of the Act 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;

A bare perusal of the provisions makes it clear that the applicant should have clean antecedents five years preceding the date of making the application. The petitioner was released from jail on 01.04.2016 and the application for renewal of passport was moved on 17.03.2017, thus, the period is clearly less than five years. Otherwise also, the petitioner has not availed the remedy available to him under Section 11(1) of the Act. Consonantly, the civil writ petition is dismissed at this stage. However, the petitioner is at liberty to lay his claim before the Chief Passport Officer, if so advised.

20.09.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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