

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

CWP No. 2339 of 2018 (O & M)

Date of Decision: 4.5.2018

Satnam Singh

.....Petitioner

v.

Union of India and others

.....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Vivek K. Thakur, Advocate, for the petitioner
Mr. Sudhir Nar, Advocate, for the respondent-Passport Office
Mr. H.S. Sitta, AAG, Punjab

RAKESH KUMAR JAIN, J.

This petition is filed for the issuance of a writ in the nature of certiorari for quashing the letter dated 3.10.2017 by which application for seeking a passport has been closed/declined.

In brief, the petitioner has applied for passport vide File No. JA1071479401017 dated 14.9.2017. The Passport Authority sought the police verification report which was found to be adverse to the petitioner on the ground that he is involved in a criminal case registered vide FIR No. 83 dated 21.9.2016 under Sections 323/324/452/506/148 and 149 IPC, Police Station Fattu Dyinga, District Kapurthala. The Regional Passport Authority, Jalandhar vide its letter dated 3.10.2017 informed the petitioner that it has received an adverse police verification report. It asked the petitioner to provide suitable explanation in regard to the adverse police report and thereafter, vide the impugned order dated 3.10.2017 (Annexure P-7), the case file of the petitioner

was closed on the ground that the petitioner has not given any response.

Learned Counsel for the petitioner has submitted that there is no adverse police report against the petitioner because in the said FIR No. 83 dated 21.9.2016, the police after investigation has presented its challan to the Court of SDJM, Sultanpur Lodhi, in which the petitioner has been kept in Column No. 2 which means that he is not named as an accused and thus, not facing any kind of trial.

After notice, respondent filed their reply. In the reply filed on behalf of respondents No. 3 to 5, it is averred that though the challan has been presented in the FIR No. 83 and the petitioner has been kept in Column No.2 but so far the charge has not been framed and as such the petitioner may be summoned as an additional accused.

Learned counsel for the petitioner has submitted that on this ground alone, the respondent police authorities cannot submit the adverse report against the petitioner.

I have heard learned counsel for the parties and perused the record with their able assistance and am of the considered opinion that the reasons assigned in the reply, much less filed by respondents No.3 to 5 that the petitioner may, at any time, be summoned to face the trial, would not be a sufficient cause for the purpose of submitting adverse report against the petitioner in regard to his involvement in the alleged offence registered vide FIR No. 83 dated 21.9.2016.

Thus, in my considered view, the reasons assigned by the respondents is totally flimsy and a guess work on their part, on the basis of which the right of the petitioner, to obtain a passport for his travelling abroad cannot be denied.

In view of the aforesaid observations, the present petition is hereby allowed and the impugned order dated 3.10.2017(Annexure P-7) is set aside. The matter is remanded back to the Regional Passport Authorities, Jalandhar to reconsider the matter of the petitioner in the light of the observations of this Court made hereinabove.

Needful shall be done within a period of one month from the date of receipt of certified copy of this order.

(RAKESH KUMAR JAIN)
JUDGE

4.5.2018.
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No