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

CWP No.28508 of 2017

Date of decision: May 22, 2018

Loveleen Singh

...Petitioner

Versus

Union of India and another

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Navkiran Singh, Advocate,
for the petitioner.

Mr. Abhimanyu Antil, Advocate,
for respondents no.1 and 2.

Mr. H.S.Sitta, AAG, Punjab.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *mandamus* for seeking a direction to respondent no.2 for the re-issuance of the passport to him with the correct name of his wife as the earlier passport issued to him had a mistake in respect of his wife's name.

In brief, the petitioner was allegedly involved in a case registered vide FIR No.53 of 1986, under Sections 225/302/307/333/326/332/324/120-B IPC, Section 27 of the Arms Act, 1959, Section 126(2)(i) of the Indian Railways Act, 1989 and Section 3(2)(i) & (ii) of the Terrorists and Disruptive Activities (Prevention) Act, 1987 at Police Station GRP Sri Ganganagar, Rajasthan, in which he was convicted by the trial Court but ultimately acquitted by the Supreme Court on 10.09.2002.

The petitioner had earlier applied for the issuance of passport but his application was not decided, as a result thereof, he filed CWP No.6085 of 2010, which was disposed of by this Court on 26.05.2010 with a direction to

consider application of the petitioner, pass appropriate orders and to intimate the same to him. Thereafter, the respondents issued passport No.J0533353 to the petitioner on 08.06.2010, which was valid upto 07.06.2020 but inadvertently, name of his wife was mentioned as “Amarjit Akur”. It is submitted that since the name of his wife “Amarjit Kaur” has wrongly been mentioned as “Amarjit Akur” in the passport and there is no provision for seeking correction in the passport except for applying it again, the petitioner moved an application for the re-issuance of passport with the correct name of his spouse but the passport has not been issued despite the fact that the petitioner is not involved in any criminal case except the one which has been mentioned in the earlier part of this order.

After waiting sufficiently for re-issuance of the passport, the petitioner has approached this Court for seeking a direction to the respondents by way of the present petition.

In the reply filed by the respondents, the only objection raised is that the police authorities have not recommended the issuance of passport to the petitioner with the remarks that the name of the petitioner still exists in the Bad Character Register `A' of the Police Station Rawalpindi, District Kapurthala, which is maintained by the police as per the Punjab Police Rules, 1934.

Counsel for the petitioner has submitted that once the petitioner has been acquitted in the case, which was registered vide FIR No.53 of 1986, by the Supreme Court on 10.09.2002, the question of keeping the name of the petitioner in Bad Character Register `A' at Police Station Rawalpindi is not justified.

After hearing learned counsel for the parties and examining the

available record, I am of the considered opinion that there is merit in the present petition. The petitioner was tried in case FIR No.53 of 1986 but has been acquitted by the Supreme Court on 10.09.2002. It might be possible that at the time when the aforesaid case was registered against the petitioner, his name was kept in the Bad Character Register 'A' in the Police Station Rawalpindi, District Kapurthala but since he has been acquitted of the charges levelled against him in FIR No.53 of 1986, therefore, his prayer for the issuance of passport was considered by this Court in CWP No.6085 of 2010, in which a direction was issued for issuance of the passport. The passport was though issued to the petitioner but there was a mistake committed by the respondents in mentioning the name of his spouse as "Amarjit Akur" instead of "Amarjit Kaur", which led to the whole controversy. The petitioner cannot be penalized for the mistake committed by the respondents themselves in mentioning the name of his souse wrongly and cannot be denied the passport on the ground that his name is existing in the Bad Character Register 'A' though there is no other case in which either he has been convicted or is pending.

Thus, in view of the aforesaid discussion, the present petition is hereby allowed and respondent no.2 is directed to issue fresh passport to the petitioner with the correct name of his spouse as "Amarjit Kaur" as early as possible but preferably within a period of one month from the date of receipt of certified copy of this order.

May 22, 2018
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(Rakesh Kumar Jain)
Judge

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