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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 936/2018**

SUKHWINDER SINGH Petitioner
Through: Mr Satvinder Singh, Advocate.

Versus

UNION OF INDIA & ORS Respondents
Through: Ms Suman Chauhan, Advocate for R-
1 to 3.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **02.02.2018**

CM No. 3928/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. Issue notice.
4. The learned counsel appearing for the respondents accepts notice.
5. The petitioner impugns an order dated 09.11.2016, whereby the Regional Passport Officer, Jalandhar (respondent no.3) has decided not to issue passport to the petitioner for the period of five years from the date of his deportation, that is, upto 16.11.2020.
6. The petitioner had travelled to United Kingdom on a passport bearing No. K7046287, which was valid upto 16.05.2013. The petitioner overstayed in United Kingdom and applied for political asylum, which was not granted.

The petitioner travelled to India on 16.11.2015 on an Emergency Certificate bearing No. X-0604104 dated 02.11.2015, which was issued to him by the Indian High Commission at London.

7. The issue whether a passport could be denied to a citizen on the ground that he had sought political asylum in another country was examined by this Court in ***Kulvir Singh v. Union of India and Anr.: W.P.(C) 4574/2014, decided on 17.12.2014*** and it was held that the passport facilities could not be denied under Section 10(3)(c) of the Passport Act, 1967.

8. The Division Bench of this Court in ***Union of India and Anr. v. Satnam Singh: LPA 13/2016, decided on 12.01.2017*** has also upheld the aforesaid view.

9. Concededly, the issue involved in the present case is covered by the aforesaid decisions. The learned counsel appearing for the respondents states that the decision rendered in ***Kulvir Singh*** (*supra*) and ***Satnam Singh*** (*supra*) would not preclude the respondents from initiating appropriate proceedings if any false statement had been made in the applications for passport furnished by the petitioner. The said contention is merited. However, that is not the reason for refusing passport facilities to the petitioner. The only reason indicated in the impugned order - which appears to be a standard form pre-typed order – is that the petitioner had made a declaration of allegiance to the sovereignty, unity and integrity of India and by applying for asylum he had acted against the letter and spirit of the said declaration. Therefore, the impugned order cannot be sustained.

10. Accordingly, the present petition is allowed and the impugned order dated 09.11.2016 is set aside. The respondents are directed to process the

petitioner's application for passport facilities.

VIBHU BAKHRU, J

FEBRUARY 02, 2018

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