

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

CWP No. 10877 of 2019 (O&M)

Date of Decision: 30.10.2019

Randhir Singh

.....Petitioner

Versus

Union of India and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr.V.K. Gutpa, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

Petitioner seeks a mandamus for directing the respondent-passport authorities to re-issue in his favour a valid passport.

Counsel submits that the petitioner was involved in FIR No.09 dated 18.03.2009 under Sections 489-A, 489-B, 489-C, 120-B of IPC and Sections 3,4,5 and 9 of the Official Secret Act 1923 registered at Police Station Narcotic Cell, Amritsar. In the trial that ensued, petitioner was convicted by the trial Court vide judgment dated 24.12.2011 and he was sentenced to undergo rigorous imprisonment for 14 years and a fine of Rs.1,50,000/- and in default of payment of fine to further undergo rigorous imprisonment for 5 years and 6 months. The petitioner having preferred an appeal before this Court, the conviction was maintained but the sentence was reduced to 10 years alongwith the same quantum of fine. The petitioner is stated to have already undergone the sentence and has been released on 13.04.2018.

The precise grievance raised in the petition is that an application submitted on 14.09.2018 at Annexure P-1 for issuance of a passport is not being processed only on the ground that petitioner was convicted in the afore-noticed matter on 24.12.2011.

Counsel would advert to Section 6 (2) (e) of the Passport Act 1967 to contend that if any applicant seeking a passport during the period of five years immediately preceding the date of application has been convicted by any Court in India for an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years the same would be an embargo for issuance of a passport.

It is argued that in the present case the conviction relates back to the year 2011 and the time embargo of five years has already elapsed and as such there would be no impediment for his application for issuance of the passport to be processed.

Notice of motion.

Ms. Alisha Arora, Advocate, who is present in Court, accepts notice on behalf of respondents No.1 and 2 and waives service. A complete copy of the writ petition already stands served.

Learned counsel representing respondents makes a statement that in case the application of the petitioner dated 14.09.2018 (Annexure P-1) for issuance of a passport is still pending, the same would be processed in accordance with law and as per provisions of the Passport Act 1967 and a final decision thereupon would be taken within a period of four weeks from today and the same would be communicated to the petitioner.

Statement is accepted.

In view of the above, no further directions are required to be passed.

Writ petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

October 30, 2019

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Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No