

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-17473-2019 (O&M)
Date of Decision: 02.07.2019

Sharanjit Singh

--Petitioner

Versus

Union of India & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Arun Singla, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner seeks a Mandamus for directing the Regional Passport Officer, Jalandhar to issue to him a Passport with immediate effect on an application dated 7.6.2019 (Annexure p-5) that he had duly submitted.

The case projected on behalf of the petitioner is that a Passport had been issued to him on 15.2.2016 carrying a validity up to 14.2.2026. Petitioner came in contact with one Karan Kapoor, who was working as a Travel Agent and who in turn assured him that he will be sent to Canada. As per pleadings on record, mother of the petitioner paid a sum of Rs.23 lakh to such Travel Agent and also furnished all the relevant documents including the Passport held by the petitioner. It is urged that the Travel Agent has duped the petitioner and has usurped the money and even the Passport has not been returned. Consequently FIR No.34 dated 23.2.2018 under sections 406, 420 I.P.C read with section 24 of the Immigration Act, 1983 was registered at Police Station Model Town, District Hoshiarpur.

The categoric submission made by counsel is that the final investigation report has since been filed and the accused namely Karan Kapoor is currently facing trial.

Against the backdrop of the aforesaid circumstance petitioner submitted an application dated 7.6.2019 (Annexure P-5) before respondent no.2 for issuance of a fresh Passport. The vernacular of the document placed on record at Annexure P-5 would reveal that a noting has been entered on the application submitted by the petitioner seeking issuance of a Passport that the applicant has filled up the form in the Lost Category and a copy of the FIR had been provided in which the Passport number has not been mentioned.

Apparently the application of the petitioner has not been processed further by the concerned Passport Officer taking a view that the FIR ought to have contained the relevant details of the Passport that is stated to have been lost.

During the course of arguments counsel submits that even though the Passport number was not mentioned in the FIR but in the final investigation report submitted by the investigating agency before the competent court, the details of the Passport have been mentioned.

In any case Annexure P-5 cannot be construed as a rejection of the application that had been submitted by the petitioner.

At this stage, counsel seeks withdrawal of the writ petition with liberty to pursue the application at Annexure P-5 for issuance of a Passport by placing before the Regional Passport Officer, Jalandhar a complete copy of the challan.

Writ petition is accordingly disposed of as withdrawn in terms of liberty, as prayed for.

(TEJINDER SINGH DHINDSA)
JUDGE

02.07.2019

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No