

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

CWP No. 20664 of 2018.

Date of Decision: 07.11.2019.

Jatinder Singh

... Petitioner

Versus

Union of India and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Monty Goyal, Advocate and
 Ms. Harmanpreet Kaur, Advocate,
 for the petitioner.

 Mr. Deepak Malhotra, Advocate,
 for the respondents.

JITENDRA CHAUHAN.J.(ORAL)

Through the instant civil writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioner has sought direction to respondent No.2 to issue passport in his name.

It is contended that the petitioner had applied to respondent No.3 for grant of passport vide application File No. JA1062578446418 dated 10.07.2018. Thereafter, the petitioner visited the office of respondent No.3 and informed them that FIR No.127 dated 26.05.2018 under Section 61 of the Punjab Excise Act, 1914 stands registered against him at Police Station Dehlon, District Police Commissionerate Ludhiana, District Ludhiana with *mala fide* intention. On the pretext of registration of the FIR, the petitioner has been denied issuance of a passport. Reliance has been placed on **Daler Singh vs. Union of India**

and others 2015(8) RCR (Civil) 618 and Satwant Singh Sawhney vs.

D. Ramarathnam, Assistant Passport Officer, New Delhi and others

AIR 1967 Delhi 1 (FB) to contend that right to travel abroad is a fundamental right and that till the time charges are not framed against the accused, the case will not fall under the parameters of Section 6(2)(f) of the Passport Act, 1967.

On the other hand, on behalf of the respondents, it is contended that as per the procedure, the case of the petitioner was sent to the Police for verification but the Police authorities have marked his report as “Adverse” with the remarks that “Cases FIR No.126 dated 25.05.2018 under Sections 18 NDPS Act, Section 27(A) NDSP Act, 28, 29, NDPS Act, 61 Excise Act, PS Dehlon and FIR No. 127 dated 26.05.2018 under Section 61 Excise Act PS Dehlon.” As per Section 6 (2)(f) of the Passport Act, 1967, the passport authority can refuse a passport if proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal Court in India. Therefore, the petitioner was denied the issuance of passport.

Heard.

From the pleadings of the parties, it emerges that the petitioner had applied for issuance of a passport which was declined by the respondent authorities in view of the pendency of criminal cases against the petitioner. This Court does not find any reason to interfere in the view taken by the respondents which is in consonance with the

provisions of Section 6(2)(f) of the Passport Act, 1967. The same is reproduced as under:-

“Section 6(2) Subject to other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of Section 5 on any one or more of the following grounds, and on no other ground, namely:-

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal Court in India;”

As per record, two FIRs against the petitioner are pending adjudication. Thus, no ground for interference is made out. The ratio of case law referred to by the learned counsel for the petitioner is distinguishable on facts of the present case.

Dismissed.

07.11.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

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