

CWP No.33088 of 2019

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

CWP No. 33088 of 2019
Date of decision: 10.12.2019

Jaswinder Singh

.....Petitioner

V/s.

The Union of India and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Varlin Garg, Advocate,
for the petitioner.

Sanjay Kumar, J. (Oral)

The grievance of the petitioner is that he is not being issued a fresh passport.

According to Mr. Varlin Garg, learned counsel for the petitioner, the reason for denial of a passport is the registration of FIR No. 85 dated 12.11.2018 against the petitioner on the file of Police Station Joga, District Mansa.

Upon the asking of the Court, Mr. Karan Kumar Jund, learned counsel, took notice for the respondents. He seeks time to get instructions in the matter.

However, this Court is of the opinion that there is no necessity to independently adjudicate this aspect, as it is no longer *res integra*. The judgments of this Court in ***Daler Singh V/s. Union of India and others***

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(CWP No.12143 of 2015) and Sahib Jaskaran Singh V/s. Union of India and others [2016(2) RCR (Criminal) 798] hold the field as on date. In terms thereof, the passport authorities cannot refuse or cancel a passport on the ground of registration of a FIR. This is because Section 6(2) and Section 10(3) of the Passports Act, 1967, mandate that such refusal/revocation/cancellation can be only in the event proceedings in respect of an offence are pending before a Criminal Court. Trite to state, unless cognizance is taken by the Criminal Court, the above provisions would not come into play.

In that view of the matter, the petitioner cannot be refused a passport on the sole ground that a FIR has been registered against him.

The writ petition is accordingly disposed of directing the Regional Passport Officer, Chandigarh, the second respondent, to consider the petitioner's passport application dated 04.09.2019 (Annexure P-7) on its own merits and in accordance with law, duly taking into consideration the aforestated settled legal position. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

10.12.2019

rakesh

whether speaking/non speaking : *Yes/no*

whether reportable/non reportable : *Yes/no*