

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

**CWP-17311-2020 (O&M)
Date of Decision: 27.11.2020**

Sarbjit Singh

... Petitioner

Versus

Union of India & others

... Respondents

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

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

Ms. Amrita Singh, Advocate for UOI.

Mr. Suveer Sheokand, Additional Advocate General, Punjab.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

As per pleadings on record, petitioner was duly issued a passport bearing No.G4826866 by the Regional Passport Office, Jalandhar on 19.09.2007 carrying a validity period of 10 years upto 18.09.2017. Copy of the passport issued on 19.09.2007 stands appended as Annexure P-1.

The precise grievance raised by the petitioner is that his application for renewal of his passport has been kept pending by the respondent/passport authorities merely on the pretext that FIR No.99, dated 07.07.2018, under Sections 341/324/323 IPC has been registered at Police Station Goraya.

Notice of motion was issued in the instant petition on

16.10.2020.

Mr. Suveer Sheokand, learned Additional Advocate General, Punjab informs the Court that investigation in the FIR already stands concluded and a cancellation report has since been submitted before the competent Court. He further submits that a cancellation report had earlier also been filed but which was not accepted and thereafter a second cancellation report has now been filed and in which notice has been issued to the complainant party.

Counsel representing respondent No.2 has taken a stand that the application for renewal of the passport is pending for the reason that a clarification is yet to be issued from the police authorities as prior in point of time an adverse police verification report had been received.

Having heard counsel for the parties and having perused the pleadings on record, this Court is of the considered view that the concerned passport authorities are acting in an arbitrary manner in denying to the petitioner the facility of a renewed passport.

Section 6(2)(f) of the Passport Act, 1967 would govern the issue at hand and as per such provision, a passport facility can be refused to an applicant against whom criminal proceedings before a criminal Court in India are pending. The provision is couched in the following terms:

“A passport can be refused or revoked or cancelled on the ground that proceedings in respect of an offence alleged to have been added by the applicant are pending before a criminal Court in India.”

Concededly, the investigation in the FIR lodged against the petitioner/applicant already stands concluded and a cancellation report has

been filed even though the same has not been accepted. This Court in **Sahib Jaskaran Singh Vs. Union of India & others (CWP-19551-2015)** decided on 13.10.2015 held that proceedings in respect of an offence alleged to have been committed by the applicant would be taken to be pending before a criminal Court where the charges had been framed.

Counsel representing the State as also the respondents/passport authorities are not in a position to rebut the factual premise that the petitioner as of date is not facing trial in as much charges have not been framed. Rather it is a cancellation report that has been filed pursuant to investigation having been conducted in FIR No.99, dated 07.07.2018 at Police Station Goraya.

The objection being raised on behalf of respondent No.2 to the effect that it is a procedural delay on account of a clarification not coming forth from the police authorities is wholly mis-conceived. This would be apparent from the communication dated 26.08.2020 at Annexure P-4 issued by the Regional Passport Office, Jalandhar and addressed to the petitioner wherein itself it has been recited that a cancellation report pertaining to FIR No.99, dated 07.07.2018 at Police Station Goraya has already been submitted in Court on 27.07.2020.

In the aforesaid circumstances, there would be no justifiable basis for the petitioner to be denied facility of a renewed passport at the hands of the respondent/passport authorities.

For the reasons recorded above, writ petition is allowed.

Directions are issued to respondents No.1 and 2 to immediately proceed further in the matter and to issue in favour of the petitioner the

renewed passport.

Needful be done within a period of three weeks from today.

Petition is allowed.

27.11.2020

harjeet

(TEJINDER SINGH DHINDSA)

JUDGE

- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No