

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

CWP-1836-2021 (O&M)
Date of Decision: March 02, 2021

GURSEWAK SINGH

..... PETITIONER(s)

Versus

UNION OF INDIA AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Judgepreet Singh Warring, Advocate
for the petitioner.

Ms. Amrita Singh, Advocate
for respondents no.1 to 3.

Mr. Abhay Pal Singh Gill, Asst. A.G., Punjab,
for respondents no.4 and 5.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Petitioner is aggrieved of the respondent-authorities not re-issuing his passport.

Learned counsel for the petitioner submits that passport No. L8495301 was issued to the petitioner on 19.06.2014 and it was valid up to 18.06.2024. Petitioner's passport was damaged due to unavoidable circumstances and petitioner applied for reissuance of his passport on 09.10.2020. When petitioner checked the status regarding his application it

was revealed that his application is under review at the Regional Passport Office due to police verification report not being clear. A copy of the print out with the mention 'show cause notice' is attached as Annexure P-7. Petitioner, it is submitted, approached the authorities to inform that FIR No.56 dated 12.05.2014, under Sections 323, 324, 148, 149 IPC was registered against some persons at the instance of petitioner's grand-father. A cross version in the shape of DDR No. 45 dated 12.05.2014 under Sections 323, 148, 149 IPC was recorded against petitioner and other family members only by way of a counter blast. A cancellation report in the said DDR was submitted by the police authorities, which it is reported was not accepted and the matter is still under reinvestigation.

Learned counsel for respondents no.1 to 3 submits that passport has not been reissued due to pendency of investigation of DDR No.45 dated 12.05.2014 in FIR No.56 dated 12.05.2014, under Sections 323, 324, 148, 149 IPC and final decision in this regard has not been taken.

Despite opportunity, reply has not been filed, however, I do not find any justification in adjourning the matter to await reply when the facts as above, are admitted.

Learned counsel for the State, on instructions from ASI, Gurdeep Singh, P.S. Makhu, verifies that reissuance of passport has not been recommended only on account of pendency of investigation in the above said DDR. It is verified that petitioner is not involved in any other criminal case.

It is a settled position of law that even issuance of a fresh passport cannot be refused solely on the ground of registration of an FIR.

Reference in this respect can gainfully be made to *Jaswinder Singh Vs. Union of India and another 2020(1) RCR (Civil) 550* and *Sahib Jaskaran Singh Vs. Union of India and others 2016(2) RCR (Criminal) 798*, wherein it is held that unless and until cognizance of a matter is taken by a Court of competent jurisdiction, provisions of Section 6(2) and 10(3) of the Passports Act, 1967 would not come into play.

Keeping in view the facts and circumstances as above, this writ petition is disposed of with a direction to the competent authority to look into the matter in the light of discussion as above and take a final decision thereon within three weeks of receipt of certified copy of this order. Needless to say, in case, petitioner is required to furnish any kind of undertaking or complete any formalities, he shall be informed of the same within one week of receipt of certified copy of this order and he shall complete the same within one week thereafter.

Petition is disposed of accordingly.

02.03.2021

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No