

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

**CWP No.2697-2021 (O&M)
Date of Decision:08.02.2021**

Armaan Kumar

.....Petitioner

Versus

The Regional Passport Officer, Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Mayur Karkra, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

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

Petitioner is aggrieved of the action of the Regional Passport Officer, Chandigarh, in not having entertained his application for issuance of passport and rather having closed the application on 19.02.2020 (Annexure P-4).

Counsel has been heard and pleadings on record have been perused.

It is the pleaded case of the petitioner himself that he was involved in FIR No.25 dated 13.08.2013 registered at Vigilance Bureau, Patiala Range, Patiala, under Sections 7, 13 (2) of the Prevention of Corruption Act 1988 and in the trial that ensued he stands convicted vide judgment dated 10.05.2019 passed by the learned Special Judge, Patiala and stands sentenced to a period of five years.

Section 6 (2) (e) of the Passport Act, 1967, reads in the following terms:-

“6. Refusal of passports, travel documents. etc.

(2) Subject to the 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: -

(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

Concededly petitioner has suffered conviction within the period of five years immediately preceding the date of his application seeking passport and for offence involving moral turpitude.

No infirmity as such is found in the action of the Regional Passport Officer, Chandigarh in having closed the file and having declined the application of the petitioner seeking a passport.

Writ petition is dismissed.

Needless to observe that it would always be open for the petitioner to apply afresh for a passport after the elapse of the time embargo contemplated under Section 6 (2) (e) of the Passport Act.

(TEJINDER SINGH DHINDSA)
JUDGE

February 08, 2021

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No