

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

**CWP-7313-2021(O&M)
Date of Decision: 31.03.2021**

Gurwinder Singh alias Babbi Petitioner

versus

Union of India and others Respondents

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

Present: Mr.P.S.Sekhon, 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 seeks a mandamus for directing the concerned respondent-authorities to issue to him a passport.

Counsel has been heard.

It is the pleaded case of the petitioner himself that he was involved in FIR No. 7 dated 11.02.2014, under Section 22 of the NDPS Act, 1985, registered at Police Station Jhunir, District Mansa. In the trial that ensued petitioner stands convicted as per judgment dated 06.01.2017 and has been imposed a sentence of rigorous imprisonment for 10 years as also fine of Rs. 1 lakh. Against the judgment of conviction an appeal has been preferred by the petitioner which is pending adjudication before this Court.

Prayer made in the instant petition for issuance of a passport would have to be examined in the light of Section 6 (2) (e) of The Passport Act, 1967 which reads as follows:-

***“6. REFUSAL OF PASSPORTS, TRAVEL DOCUMENTS
ETC..-***

(1)

(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:—

(a)

(b)

(c).....

(d)

(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;”

The judgment of conviction in the case of the petitioner is of 06.01.2017. The sentence imposed is rigorous imprisonment for 10 years i.e. more than two years.

There is a statutory bar for a period of five years from the date of conviction as regards issuance of the passport.

Confronted with such a situation counsel seeks withdrawal of the petition with liberty to approach the concerned Passport Authorities after

the five years period post conviction works out.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

31.03. 2021
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No