

CWP-9700-2021 (O&M)

Date of Decision: 13.10.2021

Balwinder Kumar**....Petitioner****VS****Union of India and others****....Respondents****CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL****Present:** Mr. Jatinderpal Singh, Advocate
for the petitionerMr. Karan K. Jund, Advocate
for respondents No.1 and 2Ms. Anju Arora, Addl. A.G. Punjab
for respondents No.3 and 4

SUDHIR MITTAL, J. (Oral)

Reply on behalf of respondents No.1 and 2 has been filed in Court and the same is taken on record.

The petitioner applied for a new passport. An adverse police verification report was received on the basis of pendency of FIR No.121 dated 13.10.2011 under Sections 420, 465, 467, 468, 471, 477-A, 120-B IPC and 13/2/18 PC Act, Police Station Gidderbaha. Thus, the application was not processed.

Learned counsel for the petitioner submits that the petitioner has in fact been exonerated in the said FIR. Challan has been presented and the name of the petitioner has been mentioned in column No.2. Thus, there was no justification in refusing the issuance of a passport.

Learned counsel for respondents No.1 and 2 submits that as there is adverse police verification report, the concerned authorities cannot issue a passport.

Learned State counsel submits that the trial has still not concluded.

The petitioner may be summoned as an additional accused at any stage. Thus, refusal to proceed with the passport application was justified.

It is settled law that pendency of an FIR cannot result in refusal of a passport. This is because of the interpretation placed upon Section 6(2)(f) of the Passports Act, 1967. Presently, the petitioner has been exonerated in the police investigation and thus, there is no justification to refuse the issuance of a passport.

Writ petition is allowed. Police verification report (Annexure P-3) is quashed.

Petitioner is directed to file a fresh application and the same shall be processed in accordance with law within four weeks from today.

(SUDHIR MITTAL)
JUDGE

13.10.2021
Poonam Negi

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No