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

CWP-18950-2020 (O&M)

Date of Decision:02.08.2021

Manpreet Singh

....Petitioner

VS

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sheery K. Singla, Advocate
for the petitioner

Ms. Monica Chawla, Advocate
for respondents No. 1 and 2

Ms. Simran Grewal, AAG Advocate
for respondents No. 3 and 4

SUDHIR MITTAL, J. (Oral)

CM-8496-CWP-2021

This application has been filed for placing on record Annexure P-5
and for exemption from filing certified copy thereof.

For the reasons stated therein, the application is allowed and Annexure
P-5 is taken on record. Exemption sought for is granted.

CWP-18950-2020

The petitioner has filed this writ petition for grant of writ in the nature
of mandamus directing respondents No. 1 and 2 to re-issue the passport sought
vide application dated 03.09.2020.

The petitioner was a holder of a valid passport dated 15.10.2013, the
validity of which was till 14.10.2023. He got married on 11.02.2019 whereafter
application dated 03.09.2020 was submitted for change in particulars by including
spouse name and also to remove his surname. The said application is not being

proceeded with on account of the fact that an FIR is allegedly pending against the petitioner. The petitioner was arrayed as an accused in FIR No. 37 dated 01.03.2019 under Section 452, 304, 34 IPC but has since been found innocent in the investigation. The petitioner has been placed in column No. 2 and, thus, refusal to re-issue passport is illegal.

Learned counsel for respondents No. 1 and 2 submits that a police verification report was sought after application for re-issue of passport was received. An adverse report has been received and, thus, passport can not be re-issued.

Learned counsel for respondents No. 3 and 4 submits that although the petitioner has not been challaned in the aforementioned FIR, there is always a likelihood of him being summoned as an accused at a later stage. Thus, an adverse report submitted by the police was justified.

The law on the subject is settled. Section 6(2)(f) of the Passports Act, 1967 has been interpreted in innumerable judgments to mean that a passport may be refused only if the criminal trial is said to be pending against the applicant. In this case admittedly the petitioner has not been challaned. Charges have not been framed against him and, thus, it can not be said that a criminal trial is pending.

Accordingly, the writ petition is allowed and respondents No. 1 and 2 are directed to consider the application dated 03.09.2020 filed by the petitioner and re-issue the passport within four weeks from the date of receipt of certified copy of this order.

(SUDHIR MITTAL)
JUDGE

02.08.2021

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No