

CWP-21276-2021

Date of Decision: 14.10.2021

Parminder Pal and another

....Petitioners

VS

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vikas Bali, Advocate
for the petitioners

Ms. Shweta Nahata, Advocate
for UOI

SUDHIR MITTAL, J. (Oral)

Petitioner No. 1 was issued a passport on 08.03.2011 valid upto 07.03.2021. Before its expiry, application was submitted on 14.01.2021 for re-issuance thereof.

The said application is not being proceeded with as FIR No. 87 dated 12.05.2016 stands registered against the said petitioner. Challan has been presented therein and the trial is in progress.

Learned counsel for the petitioners has argued that even if a trial is pending, passport can be re-issued. He relies upon judgment dated 27.09.2021 passed by Hon'ble Supreme Court in Criminal Appeal No. 1342 of 2017 titled as ***Vangala Kasturi Rangacharyulu vs. Central Bureau of Investigation.***

Section 6(2)(f) of the Passports Act, 1967 (hereinafter referred to as 'the Act') confers on the passport authority the right to refuse issuance/renewal of passport in case of a pending trial. The judgment in ***Vangala Kasturi Rangacharyulu (supra)*** does not support the case of the petitioners because in that case the applicant for passport had been convicted and sentenced for a period of

passport in case a person has been convicted for an offence involving moral turpitude and has been sentenced for a period not less than two years. Since, the sentence was one year only, a direction was issued to renew the passport as Section 6(2)(e) of the Act was not applicable. That is not the situation in the present case.

In view of the above, there is no merit in this petition and it is, accordingly, dismissed.

14.10.2021
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No