

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CWP No.2228 of 2021

Date of decision: 15.11.2022

Jasbir Kaur

....Petitioner

V/s

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rishav Sharma, Advocate for the petitioner.

Mr. Brijeshwar Singh Kanwar, Standing Counsel
for respondent Nos.1 and 2.

None for respondent No.3.

VIKAS SURI, J. (Oral)

Petitioner has invoked jurisdiction of this Court by preferring the present petition under Articles 226/227 of the Constitution of India with the following substantive prayers:-

- “ii) issue a Writ in the nature of Certiorari against letter dated 10.12.2019 (Annexure P-1) where the Passport Application No.CHD063741647419 vide letter dated 10.12.2019 issued by the respondent no.2 for file Closure be quashed and set aside.
- (iii) issue a writ of Mandamus directing the respondents to issue passport to the petitioner immediately since the delay is on respondent no.2 and sentence against the petitioner has been suspended by the Hon’ble Court and the petitioner is ready to deposit the fresh application fee as well.”

Upon issue of notice of motion, written statement on behalf of the respondents is yet to be filed. However, learned counsel appearing for respondent Nos.1 and 2 submits that the petitioner had applied for issue of

passport on 30.05.2019. It is conceded by the petitioner in para 6 of the petition that the petitioner was convicted vide order dated 05.06.2014 and sentenced on 20.09.2014 in FIR No.3 dated 17.05.2001 under Sections 419, 420, 467, 468, 471, 120-B IPC read with section 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988 registered at Police Station Vigilance Act, Chandigarh. It is pointed out that in view of the legal embargo in terms of the candid provisions contained in Section 6(2)(e) of the Passports Act, 1967, the passport could not have been issued on the said application. The relevant statutory provision reads as under:-

“(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.”

Learned counsel for respondent Nos.1 and 2 further submits that as on date, the stipulated period of 5 years is over and in case the petitioner applies afresh, his application would be considered in accordance with law.

Heard learned counsel for the parties.

The aforesaid factual and legal position is not disputed before this Court. Learned counsel for the petitioner submits that the petitioner at the first instance was willing to deposit the fresh application fee as is stated in the prayer clause itself. Thus, it is submitted that there is no hesitation in applying afresh, as per law.

Keeping in view the aforesaid, the present petition is disposed of with liberty to the petitioner to make a fresh application for issue of passport. Needless to observe that in case an application is so made and taking into

consideration that the present petition has been pending in Court since January, 2021, it is expected that the passport authorities would process the same expeditiously.

This petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

November 15, 2022
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No