

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

224

CWP No.19331 of 2022
Date of Decision: 09.09.2022

Kuldeep Singh

....Petitioner

VERSUS

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Karan Nehra, Advocate for the petitioner.

Ms. Shweta Nahata, Advocate for respondent Nos.1 and 2.

Mr. Ajit Singh Natt, A.A.G. Punjab for respondent No.3.

VIKAS SURI, J. (Oral)

The petitioner has invoked the jurisdiction of this Court by this petition under Article 226 of the Constitution with the grievance that the Police Clearance Certificate (PCC) could not be applied online, as pending FIR details cannot be submitted unless one selects 'criminal proceedings are pending against the applicant' and as such, PCC would not be issued despite there being no impediment to grant the same.

On 06.09.2022, the following order was passed:-

“Learned counsel submits that the petitioner had applied for issuance of Police Clearance Certificate (PCC) and in that regard communication dated 15.06.2022 (Annexure P-13) was received wherein a reference to FIR No.51 dated 14.09.2021 has been made and the petitioner has been directed to surrender his passport immediately. Counsel would contend that the aforesaid FIR relates to the matrimonial dispute between his brother and sister-in-law and she (complainant) is not residing in India and has been residing in USA since 2016. The said investigation proceedings are being used as a tool to harass and cow down

the family members of the petitioner. It is contended that charge has not been framed against the petitioner and as such, 'criminal proceedings' cannot be said to be pending against him. However, the petitioner has sought permission from the concerned Court on the principle enshrined in the notification G.S.R. No.570(E) dated 25.8.1993 and the last of such permission dated 30.08.2022 (Annexure P-24) is available on record.

Notice of motion.

Mr. Dheeraj Jain, Senior Panel Counsel, accepts notice on behalf of the respondents. He submits that the facts now brought before this Court have not been placed before respondent No.2 by the petitioner, citing the reason that there is no such column or facility on the online portal. The petitioner may approach the authorities tomorrow itself with the requisite affidavit and all relevant documents. On doing so, the same would be looked into expeditiously and by the adjourned date, the process undertaken will be informed.

Learned counsel for the petitioner readily agrees to the aforementioned submission and undertakes to do the needful within next two days.

Adjourned to 09.09.2022."

Learned State counsel submits that the matter is still under investigation in the said FIR and the petitioner, who is applicant for issuance of Police Clearance Certificate, has not been chargesheeted in the said FIR.

Learned counsel for respondent Nos.1 and 2 submits that earlier the discreet inquiry was marked to Superintendent of Police, Chandigarh on 30.08.2022 and as per the information received, they advised to approach Senior Superintendent of Police, S.A.S. Nagar, as the FIR has been registered at Police Station Phase-VII, Mohali. Thereafter, on 08.09.2022, the request for discreet inquiry was sent to the Senior Superintendent of Police, SAS Nagar and information/report in that regard is still awaited. Learned counsel, on instructions from the office of respondent No.2, further

submits that in view of the statement made by learned State counsel that the petitioner has not been chargesheeted and keeping in view the legal position settled in *Daler Singh vs. Union of India and others*, 2015(8) RCR (Civil) 618 and *Sahib Jaskaran Singh vs. Union of India and others*, 2016(2) RCR (Criminal) 798, mere registration and pendency of FIR, at the pre-charge stage, is not an impediment for issuance of Police Clearance Certificate and the needful would be done in next two working days, in accordance with law.

Learned counsel for the petitioner, on instructions, submits that the grievance urged in this petition stands redressed and no further orders are required to be passed, at this stage. Thus, it is submitted that the present petition has served its purpose and it be disposed of on the stand taken by the respondents.

This petition is disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

September 09, 2022
Sachin M.

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