

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

**207**

**C.W.P. 20239-2020**

**Date of Decision:- 20.07.2022**

Kulwinder Singh

....Petitioner

vs.

Union of India and others

....Respondents

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**BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL**

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Present:- Mr. Abhishek Arora, Advocate for the petitioners

Ms.Swaranjeet Kaur, Advocate for

Mr.Bhuvan Vats, Advocate for respondent Nos. 1 and 2

Mr.AK Kaundal, DAG, Punjab

for respondent No.3-State

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**Sudhir Mittal, J. (Oral)**

The petitioner applied for a passport in the year 2015. Objection to the same was raised by the respondents on the ground that an adverse police verification report had been received on account of the pendency of FIR No.93 dated 4.9.2010. Reply was submitted by the petitioner stating that cancellation report had been submitted. A copy of the cancellation report was also sent alongwith the reply, however, the application was closed. A fresh application dated 22.3.2018 was filed by the petitioner for issuance of passport but no action has been taken thereupon, thus, the present writ petition has been filed.

Short reply on behalf of respondent No.3 i.e. Senior Superintendent of Police, Fatehgarh Sahib is on record. According to the same, cancellation report was not accepted by the Judicial Magistrate, 1<sup>st</sup> Class, Amloh as the protest petition was filed by the complainant. The same has been treated as a complaint case, in which the petitioner has been summoned. The trial is in progress and two witnesses stand examined.

Since, a criminal trial is pending against the petitioner, Section 6(2)(f) of the Passport Act, 1967 would be attracted. The said clause is amongst the grounds on which issuance of passport can be refused. A criminal trial is admittedly pending against the petitioner.

In view of above, only remedy available to the petitioner is to approach the trial Court in view of Notification in GSR No.570(E) dated 25.8.1993.

The present writ petition stands disposed of.

**July 20, 2022**  
**gsv**

**( SUDHIR MITTAL)**  
**JUDGE**

**Whether Speaking/Reasoned**  
**Whether Reportable**

**Yes/No**  
**Yes/No**