

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

Sr. No.101+210

**CM-3980-CWP-2022 in/and
CWP-25662-2021**

Date of decision : 20.04.2022

Aditya Dadhwal

..... Petitioner

VERSUS

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.K. Sharma, Advocate, for the petitioner.

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

Ms. Kanica Sachdeva, AAG, Punjab, for respondent No.3.

SUDHIR MITTAL, J. (Oral)

CM-3980-CWP-2022

This application has been filed for placing on record short reply and annexure R-1 on behalf of respondents No.1 and 2.

For the reasons stated therein, the application is allowed and short reply and annexure R-1 are taken on record.

CWP-25662-2021

The petitioner is aggrieved because his application for issuance of passport has been rejected on the ground that FIR No.110 dated 07.08.2020, registered at Police Station, Haryana, District Hoshiarpur, under Sections 323, 325, 148 and 149 IPC is pending against him.

Learned counsel for the petitioner has submitted that the petitioner has not been challaned in the said case and has been kept in column No.2. This fact has been accepted by respondents No.1 and 2 in their written statement and thus, refusal to issue a passport is illegal.

Learned counsel for respondents No.1 and 2 admits that according to the written statement, the petitioner has not been challaned, however, a communication has been sent to the concerned Senior Superintendent of Police asking for a clarification and no reply has been received.

It is, thus, evident that as on date, there is no trial pending against the petitioner and thus, refusal to issue a passport is illegal. It is settled beyond cavil that the passport cannot be refused, if, an FIR is pending.

Thus, the writ petition is allowed. Respondent No.2 is directed to proceed with the application and issue a passport as expeditiously as possible.

(SUDHIR MITTAL)
JUDGE

20.04.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No