

CWP-32516-2018

Date of Decision: 07.07.2022

Jagtar Singh

....Petitioner

VS

Union of India and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vikas Bali, Advocate
for the petitioner

Ms. Amrita Singh, Advocate
for respondents No. 1 and 2

Mr. Arun K. Kaundal, DAG Punjab
for respondent No. 3

SUDHIR MITTAL, J. (Oral)

This petition has been filed for directions to the Regional Passport Officer, Jalandhar to re-issue the passport of the petitioner.

Earlier passport of the petitioner was valid upto 04.02.2018 and, thus, an application dated 30.11.2018 was filed for re-issuance of the passport. An adverse police verification report was submitted stating that an FIR was pending against the petitioner and, thus, application was closed in November 2019.

Learned counsel for the petitioner has submitted that FIR No. 195 dated 12.07.2016 was infact registered at Police Station City Khanna under Section 473 IPC but proceedings thereupon have been stayed vide order dated 22.01.2019 passed in CRM-M-2917 of 2019. Thus, re-issuance of the passport could not have been refused as it is settled law that pendency of an FIR is no ground for refusal to issue/re-issue the passport.

Learned counsel for respondents No. 1 and 2 submits that since the earlier application has been closed, the petitioner need to apply afresh. In case a positive police verification report is received, passport will be re-issued.

Learned State counsel submits that challan has been presented in the
aforementioned FIR and the next date of hearing before the trial Court is
30.07.2022.

In response to the statement made by learned State counsel, learned
counsel for the petitioner submits that the submission of the challan is
contemptuous. CRM-661-662-2021 in CRM-M-2917-2019 have, thus, been filed
in this Court whereupon the State had been directed to file an appropriate affidavit.
The next date of hearing before this Court is 28.09.2022.

From the above, it is evident that an FIR has been registered against
the petitioner in which further investigation has been stayed. Filing of challan is,
thus, of no consequence. The passport authorities are not entitled to refuse re-
issuance of a passport merely because an FIR is pending and, thus, the action in
refusing to re-issue the passport can not be condoned in law.

Accordingly, the writ petition is allowed. The petitioner is directed to
file a fresh application within 14 days from today whereupon respondent No. 2
shall re-issue a passport to the petitioner.

07.07.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No