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

CWP-1719-2023

Date of Decision: 30.01.2023

Gurdev Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Swati Verma, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of *mandamus* directing respondent No.5 to issue the passport in the name of the petitioner since he has been exonerated/declared innocent in the FIR dated 12.11.2016 (Annexure P-5).

Learned counsel for the petitioner has submitted that the petitioner had applied for grant of passport on 09.11.2022 to the Passport Authority and earlier the petitioner was involved in one FIR bearing No.80, dated 12.11.2016, under Sections 420 & 120-B of the IPC, registered at Police Station Ghuman, District Batala (Annexure P-5) but the petitioner has since been declared as innocent by the police and no challan has been presented by the police against the petitioner, and therefore, there is no impediment for the Passport Authorities to have refrained themselves from processing the application filed by the petitioner for grant of passport. She further submitted that the petitioner is ready and willing

to supply all the requisite documents as required by the Passport Authorities.

On the other hand, Ms. Amrita Singh, Advocate has caused appearance on behalf of respondent Nos.1 & 5 and has submitted that in case the petitioner has been so exonerated by the Police and no challan has been presented against the petitioner then the petitioner should supply all the documents to the Passport Authority in support of his claim and also in the form of an affidavit so that his application can be processed strictly in accordance with law.

I have heard the learned counsel for the parties.

In view of the aforesaid position, this Court is of the view that the present petition can be disposed of at this stage with the following directions:-

1. The petitioner shall appear before the Passport Authority/respondent No.5 on 09.02.2023 at 11.00 a.m. and supply all the requisite documents pertaining to the FIR/criminal cases against him, if any, along with status thereof in the form of an affidavit and also supply all the requisite information as required by respondent No.5.
2. In the event of the petitioner appearing before the respondent No.5 on the aforesaid date along with all the requisite documents and affidavit as aforesaid or any other document which is so required by respondent No.5 then respondent No.5 shall thereafter process the application of the petitioner within next six weeks strictly in accordance with law.
3. After completing the aforesaid exercise, in case, the petitioner is found to be entitled for grant of passport then the same shall be issued to him within a period of two weeks thereafter, but in case for any reason under the law, the Passport Authority comes to the

conclusion that the petitioner is not entitled for grant of passport then the concerned Passport Authority shall pass a well-reasoned speaking order in this regard after hearing the petitioner.

With the aforesaid directions, the present writ petition is disposed of.

30.01.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |