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

CWP-2122-2023

Date of Decision: 03.02.2023

Gagandeep Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amarbir Singh Sherigill, Advocate for
Mr. Navjot Singh, 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 the respondent No.2 to issue the passport in the name of the petitioner without further delay with a further prayer to direct respondent No.4 to issue police clearance certificate in favour of the petitioner in FIR No.03, dated 14.01.2017 under Sections 420 & 120-B IPC, registered at Police Station Thulliwal, District Barnala.

Learned counsel for the petitioner has submitted that the petitioner had filed an application for grant of passport to the respondents-Passport Authorities on 06.12.2022. He further submitted that there was an FIR bearing No.03, dated 14.01.2017 under Sections 420 & 120-B IPC, registered at Police Station Thulliwal, District Barnala but in that FIR, after the investigation, a Cancellation Report was submitted to the learned trial Court. He also submitted

that in this way the petitioner was found innocent by the police. He further submitted that when the matter is still at the investigation stage or an applicant involved in an FIR and the Court has not taken cognizance of the same, then in that situation it does not become an impediment for the Passport Authorities to issue passport to the petitioner.

Notice of motion.

On the other hand, Mr. Arvind Seth, Advocate has caused appearance on behalf of respondents and has submitted that the petitioner himself has stated that he is involved in an FIR but he has not been able to inform the Passport Authority as to what is the status of the FIR and as to whether the Court has taken cognizance and whether the trial is pending against the petitioner or not and in this regard, notice was issued to the petitioner vide Annexure P-1 seeking clarification required as aforesaid but the petitioner has not replied to the same and has straight away approached this Court. He further submitted that in case the petitioner supplies all the requisite information alongwith documents then the Passport Authorities will further process the application of the petitioner in accordance with law and as expeditiously as possible.

I have heard the learned counsel for the parties.

In view of the aforesaid position whereby the stand taken by the learned counsel appearing on behalf of the Passport Authorities that although application of the petitioner is pending but he has not supplied the requisite documents and information to the Passport Authorities despite Annexure P-1 being issued to him, therefore, this Court is of the view that the present petition can be disposed of with the following directions:-

1. The petitioner shall appear before the respondent No.3 on 15.02.2023 at 11.00 a.m. He shall supply all the requisite

documents/information required by the Passport Authorities including the status of the aforesaid FIR in clear terms. The information regarding the status of the FIR shall be supplied in the form of an affidavit by the petitioner. In case, respondent No.3 requires any other documents/information from the petitioner, then he shall be informed regarding the same by way of written communication.

2. Thereafter, respondent No.3 shall process the application of the petitioner strictly in accordance with law and finalize the same within a period of two months.
3. In case, the Passport Authority comes to the conclusion that the petitioner is entitled for grant of passport according to law, then the same shall be issued to him within a period of two weeks thereafter, but in case the Passport Authority comes to the conclusion that the petitioner is not entitled for grant of passport for any reason under the law then the concerned Passport Authority shall pass a well-reasoned speaking order within a period of two weeks as aforesaid.

In view of the aforesaid directions, the present writ petition is disposed of.

03.02.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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