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

CWP-2625-2023

Date of Decision: 13.04.2023

Sarabjot Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Varun Goyal, Advocate
for the petitioner.

Mr. Ankur Sharma, Senior Panel Counsel,
for the respondents No.1 & 3.

Ms. Akshita Chauhan, DAG, Punjab
for respondent Nos.2 & 4.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondent No.3 to issue passport to the petitioner as soon as possible.

Learned counsel for the petitioner has submitted that the petitioner had filed an application before the Passport Authority for the grant of passport but the same was not granted to the petitioner and further submitted that as per the learned counsel for the Passport Authorities, the file has been closed only on the ground that there were two FIRs against the petitioner. He also submitted that a Show Cause Notice was issued to the petitioner vide Annexure P-3, which was never received by the petitioner and thereafter, the respondent-Passport Authority vide Annexure P-4 closed the application of the petitioner on the ground that there is an adverse report from the police and that there was no response from the

petitioner. He further submitted that since the petitioner did not receive the Show Cause Notice, therefore, the petitioner could not respond to the same.

On the other hand, Mr. Ankur Sharma, learned counsel appearing on behalf of the Passport Authorities submitted that the reason for closing of the application of the petitioner was that petitioner did not respond to the Show Cause Notice which was sent to him and also there was an adverse report from the police. During the course of arguments, he also supplied a copy of the Police Verification Report pertaining to the petitioner which is taken on record and marked as 'X'. He further submitted that in column No.2 where it has been so provided that as to whether the applicant is facing any criminal charge in the Court or not, the police official from whom the verification was sought has ticked it 'Yes' and also referred to FIR No.43, dated 23.02.2020, under Sections 323, 341, 506, 354-B, 148, 149 IPC, registered at Police Station Koom Kalan, Ludhiana. He further submitted that once the application of the petitioner has already been closed, no further process can be undertaken. However, in case, the petitioner files any fresh application for grant of passport on the basis of the fresh status report pertaining to the FIR against him then the Passport Authority will process the same as expeditiously as possible.

Ms. Akshita Chauhan, learned DAG, Punjab has submitted on instructions that so far as the FIR No.43 dated 23.02.2020 is concerned, on investigation, he has already been found to be innocent and he has been kept in column No.2 and therefore, no challan has been presented qua the petitioner in the aforesaid FIR.

I have heard the learned counsel for the parties.

This Court on 16.03.2023 adjourned the case for today and the learned counsel for the Passport Authorities had sought time to seek instructions

with regard to fact that as to whether any proceeding is pending against the petitioner or not keeping in view the judgments of this Court passed in “**Daler Singh Vs. Union of India and others**”, 2015(8) RCR (Civil) 618 and CWP-19551-2015 titled as “**Sahib Jaskaran Singh Vs. Union of India and others**”.

Today, at the time of argument, Mr. Ankur Sharma, learned counsel for the Passport Authorities has stated that it was only because of the adverse report from the police and also the fact that the petitioner did not reply to the Show Cause Notice, the application for grant of passport was closed. However, a perusal of the aforesaid Police Verification Report which has been placed on record and marked as ‘X’ would show that there is a column pertaining to as to whether there are criminal charges in any Court or not, to which it has been tick marked as ‘Yes’. However, during the course of arguments, the learned counsel for the petitioner and learned State counsel have specifically stated that so far as the FIR No.43 is concerned, no challan has been presented qua the petitioner, and therefore, it cannot be said that the petitioner is facing any criminal charges. So far as another FIR No.76 dated 13.07.2022 which is so stated in Para No.10 of the petition is concerned, the learned counsel for the petitioner during the course of arguments has stated that even in that case as well, no challan has been presented. Therefore, this Court is of the view that in case when no criminal proceeding is pending against the petitioner then the Passport Authorities could not have refused the passport to the petitioner merely on the ground that some investigation is pending in some FIR against the petitioner in view of the judgments passed by this Court in ***Daler Singh’s case (supra)*** and ***Sahib Jaskaran Singh’s case (supra)***.

However, at this stage, this Court does not wish to make any observation with regard to the entitlement of the petitioner for grant of passport

but would deem it fit and proper to issue directions to the Passport Authority which are as under:-

1. The petitioner shall be at liberty to file a fresh application to the Passport Authorities for grant of passport in accordance with law within a period of four weeks from today.
2. In the event of filing a fresh application by the petitioner, the Passport Authority shall process the same within next period of four weeks. It will be the duty of the Passport Authority to ascertain from the Police Department as to what is the stage and status of the aforesaid two FIRs or any other criminal case against the petitioner.
3. The Police Verification Report as marked 'X' shows that it has been so tick marked that the petitioner is facing criminal charges. The Report is, therefore, ambiguous in nature. The Regional Passport Officer may seek the status report from the Senior Superintendent of Police, Ludhiana (Rural) and in case, the report is so requisitioned from the aforesaid SSP, then the aforesaid SSP is directed to supply correct and complete status report of FIR, if any, against the petitioner. The learned DAG, Punjab is directed to convey this order to the SSP, Ludhiana (Rural).
4. After processing the entire material available with the Passport Authorities, the application of the petitioner shall be finalized within next three weeks and also in the light of the judgments of this Court in in *Daler Singh's case (supra)* and *Sahib Jaskaran Singh's case (supra)*.
5. In case, the petitioner is found to be entitled for the grant of

passport then the same shall be released to him within a period of next two weeks and in case for any reason whatsoever under the law the petitioner is found to be not entitled for the same, then the Regional Passport Officer shall pass a well-reasoned speaking order in this regard in accordance with law after giving adequate opportunity to the petitioner or his counsel.

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

13.04.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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