

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CWP-3570 of 2019

Date of Decision:30.01.2023

Shingara Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Suresh Kumar, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab
for respondents No. 1 to 3.

Mr. Ajay Kalra, Central Govt. Counsel,
for the respondent No. 4-UOI.

JASGURPREET SINGH PURI, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *mandamus* directing the respondents No. 1 to 3 to issue positive police verification report to respondent No.4 to accept the passport application of the petitioner.

Learned counsel for the petitioner submitted that although the prayer in the present writ petition was for seeking directions to the police to give a positive police verification report but he may be permitted to modify his prayer to the extent that the passport authorities be directed to consider his application in accordance with law. He submitted that he applied for a passport

in the year 2018 but he was convicted in FIR No.13 dated 23.10.2013, under Sections 7 and 13 (2) of the Prevention of the Corruption Act, registered at Police Station Vigilance Bureau FS-I, Mohali, Punjab. The aforesaid application to the passport authorities was filed in the year 2018 which was within a period of five years and according to Section 6 (2)(e) of the Passport Act, the said application could not have been filed but there is no embargo for processing and deciding the application which can be filed by the petitioner for issuance of passport since now more than five years have elapsed and the appeal of the petitioner against the aforesaid conviction order is pending before this Court. He submitted that as per the provisions of Section 6 (2)(e) of the Act, the passport authorities shall refuse the passport if the applicant at any time during the period of five years immediately preceding the date of his application, being convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years. He submitted that at that point of time he was convicted for a period of three years and therefore an embargo was created for a period of five years but now the aforesaid period of five years has already elapsed and now there is no embargo for being considered for grant of passport. He submitted that the petitioner will now file a fresh application to the passport authorities by submitting all the requisite documents and he has prayed that the passport authorities be directed to consider his fresh application in accordance with law.

Learned counsel appearing on behalf of the passport authorities has submitted that at the time when earlier the petitioner had filed an application for grant of passport, he was hit by the bar contained under Section 6(2)(e) of the Act but now his period of five years preceding the date of

application as contained in Clause (e) aforesaid has lapsed but his appeal is still pending before this Court. He submitted that he has no objection in case the petitioner files a fresh application and in case he chooses to do so, the passport authorities will consider his application strictly in accordance with law.

Ms. Akshita Chauhan, learned DAG, Punjab has also appeared on behalf of the State of Punjab and filed an affidavit on behalf of the State of Punjab wherein the details of the conviction of the petitioner is stated.

I have heard the learned counsel for the parties.

It is a case where the petitioner had earlier filed an application for grant of passport in the year 2018 but he was convicted under the Prevention of Corruption Act in the year 2014 for a period three years and therefore apparently his application was hit by the impediment which is contained under Section 6 (2) (e) of the Act. However, now as per the learned counsel for the petitioner, the period of five years has elapsed and now there is no impediment.

In view of the aforesaid position and without observing anything on the merits of the case, the present petition is disposed of with a liberty to the petitioner to file a fresh application for grant of passport alongwith all the requisite documents before the passport authorities. In case any fresh application is filed within four weeks, then the same shall be considered and finalized within a next period of four weeks thereafter. The concerned passport authorities shall consider the effect of Section 6 (2) (e) of the Act in true perspective apart from such other provisions which the passport authorities deem it fit and proper to consider and thereafter will decide the application of the petitioner strictly in accordance with law.

Needless to say that in case the petitioner is found to be entitled for grant of passport then he shall be issued the passport within a next period of two weeks and in case the passport authorities come to the conclusion that the petitioner is not found entitled for the grant of passport for any reason whatsoever then it shall be obligatory on the part of the Regional Passport Officer to pass a well-reasoned speaking order in this regard within a period of three weeks.

The present petition is accordingly disposed of.

(JASGURPREET SINGH PURI)
JUDGE

January 30, 2023
dinesh

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No