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

**CWP-3178-2023
Date of Decision: 13.04.2023**

Manpreet Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jasraj Singh, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab,
for respondent Nos.1 & 2.

Mr. Ankur Sharma, Senior Panel Counsel,
for respondent Nos.3 & 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* for directing the concerned official respondent to issue PCC (Police Clearance Certificate) to the petitioner forthwith without any further delay.

Learned counsel for the petitioner has submitted that the petitioner had filed an application for grant of Police Clearance Certificate for the purpose of applying VISA for other country since the petitioner is already holding a valid passport. He further submitted that when the Police Verification Report was sought then the same was not given in a proper manner to the Passport Authority because of the pendency of an FIR bearing No.78, dated 29.05.2022, under Sections 306 & 34 IPC registered at Police Station

Bullocal, District Hoshiarpur in which he has already been extended the benefit of bail and when the complete investigation was conducted in the aforesaid FIR then the petitioner was declared as innocent and is kept in column No.2. He also submitted that in the absence of any Police Clearance Certificate from the Police Authorities, the clearance from the Passport Authority for grant of VISA was withheld.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has submitted that so far as the aforesaid FIR is concerned, she has sought instructions to state that the petitioner has been found to be innocent and has been kept in Column No.2 and there is no challan qua the petitioner in any case and therefore, so far as the Police Clearance Certificate is concerned, there is no objection on their part.

Mr. Ankur Sharma, Advocate appearing on behalf of the respondent-Passport Authority has submitted that in view of the statement which has been given by the learned State Counsel that in the aforesaid FIR the petitioner has been found to be innocent, a fresh information will be sought from the Police specifically in this regard within a period of 1 week from today and thereafter, on the basis of the aforesaid information the application of the petitioner for considering the clearance for VISA will be processed within a period of next two weeks. He further submitted that so far as the objection with regard to the apprehension that in future the petitioner may be summoned under Section 319 Cr.P.C., the same will be considered in accordance with law and the application of the petitioner will be finalized within a period of 4 weeks from today.

I have heard the learned counsel for the parties.

In view of the aforesaid position whereby learned counsel for the Passport Authorities has stated that the application of the petitioner will be considered and finalized within a period of 4 weeks keeping in mind the law laid down by this Court in “***Daler Singh Vs. Union of India and others***”, (CWP-12143-2015) and “***Sahib Jaskaran Singh Vs. Union of India and others***” **2016(2) RCR (Criminal) 798** and the statement made by the learned State counsel that in the aforesaid FIR, the petitioner has been declared as innocent, the present petition is disposed of with a direction to the Passport Authority to finalize the application of the petitioner within a period of four weeks from today.

13.04.2023

*Bhumika***(JASGURPREET SINGH PURI)**
JUDGE

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