

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

210

CWP-3772 of 2023

Date of Decision:24.03.2023

Karnail Singh

....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

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Present: Mr. Deepak Arora, Advocate,  
for the petitioner.

Mr. Arvind Seth, Advocate,  
for respondents No.1 and 2.

Ms. Akshita Chauhan, DAG, Punjab  
for respondent No.3.

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**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 and 2 to renew the passport of the petitioner.

Learned counsel for the petitioner submitted that the petitioner had applied for renewal of passport but the same has not been granted to the petitioner because the petitioner was earlier convicted in FIR No.48 dated 29.03.2027, under Section 304 IPC, registered at Police Station Garhshankar, District Hoshiarpur and the petitioner was convicted for a period of seven years vide judgment/order of sentence dated 01.06.2019/04.06.2019 respectively, against which the petitioner filed an appeal and sentence of the petitioner has been suspended and the appeal is still pending. He submitted that as per the provision of Section 6(2)(e) of the Passports Act, the passport can be declined

on the ground that the applicant has, at any time during the period of five years immediately preceeding the date of his application, been convicted by a Court in India for any offence involving moral turpitude and sentence in respect thereof to imprisonment for not less than two years.

He submitted that although one of the conditions of conviction is with regard to more than two years but there is co-existing condition under Section 6(2)(e) of the Passports Act that the offence under which the conviction has been ordered must involve moral turpitude whereas in the present case the offence under which the petitioner was convicted did not involve the moral turpitude and therefore the passport cannot be declined to the petitioner *ipso-facto* on the basis of scrutiny of said provision.

Learned counsel appearing on behalf of respondents No.1 and 2-Passport Authorities stated that the application filed by the petitioner for grant of passport will now be processed and finalized in the light of the aforesaid provisions of Section 6(2)(e) and they will pass a speaking order in this regard.

Learned counsel for the petitioner submitted that in view of the statement made by learned counsel for the Passport Authorities, some time framework may be fixed so that an order, if any, be passed.

In view of the aforesaid stand taken by learned counsel for respondents No.1 and 2-Passport Authorities, whereby he has stated that an order will be passed with regard to the application filed by the petitioner in the light of the provisions of Section 6(2)(e) of the Passport Act, let a speaking order be passed within a period of two months from today and needless to say that before passing any order, the petitioner or his counsel shall be afforded an opportunity of hearing.

The present writ petition is disposed of in view of the aforesaid directions, without commenting anything on the merits of the case.

(JASGURPREET SINGH PURI)  
JUDGE

March 24, 2023

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| dinesh | Whether speaking   | : | Yes/No |
|        | Whether reportable | : | Yes/No |