

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7328 of 2021 (O&M)

Date of Decision:24.03.2023

Jagdeep Singh

..... Petitioner

V/s.

Union of India and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lakhvir Singh Bhullar, Advocate
for the petitioner.

Mr. K.K. Jund, Advocate for the respondents.

JASGURPREET SINGH PURI, J (Oral)

The present petition has been filed under Article(s) 226/227 of the Constitution of India seeking a writ in the nature of *mandamus* directing the respondents to issue/renew of the Passport to the petitioner, regarding which he had filed an application for issuance of a Passport.

At the outset, learned counsel for the respondents has submitted that there is no application pending with the Passport authorities in the name of the petitioner. He submitted that in case the petitioner files a fresh application for grant of Passport then the respondents-Passport authorities shall process the same in due course and as expeditiously as possible.

Learned counsel for the petitioner states that he shall file a fresh application for grant of Passport but so far as his earlier application is concerned, an objection was raised by the respondent-authorities that there was an FIR but in that FIR, a petition was filed before this Court and further proceedings have already been stayed and there are no criminal proceedings pending against him, in

any case and therefore in view of the judgments of this Court in “**Daler Singh Vs.**

Union of India and others", 2015(8) RCR (Civil) 618 and "**Sahib Jaskaran Singh Vs. Union of India and others**" 2016(2) RCR (Criminal) 798, mere pendency of an FIR itself cannot become a ground for denial of passport to the petitioner and directions may be issued to respondents-authorities to consider and process the application of the petitioner in the light of the aforesaid judgments.

In view of the aforesaid position, the present petition is disposed with the following directions:

1. The petitioner shall be at liberty to file a fresh application alongwith all the supporting documents, for grant of passport in accordance with law within a period of three weeks from today.
2. In the event of filing a fresh application for grant of passport as aforesaid, the Passport Authority shall process the same as expeditiously as possible. In case, any further information is required by the Passport Authorities from the petitioner with regard to the pendency of the FIR or any other requisite document(s) is/are required, then the Passport authority shall issue notice to the petitioner for the same and the petitioner shall be bound to supply all the documents required by the Passport authority.
3. After considering the application which is filed by the petitioner, as aforesaid, the Passport authority shall thereafter process and finalize the same thereafter within a further period of four weeks in the light of the aforesaid judgments. In case the Passport Authority thereafter comes to the conclusion that the petitioner is entitled for grant of the Passport then the same shall be issued to the petitioner within next three weeks but in case, Passport Authority comes to the conclusion that for any reason(s) under the law, the petitioner is not entitled for

grant of passport then the concerned Passport Authority shall pass a well-reasoned speaking order in this regard after hearing the petitioner or his concerned.

4. The petitioner shall be at liberty to assail the aforesaid order, if any, in case, the Passport is declined to the petitioner, before this Court or any other Court.

Disposed of, in terms of the aforesaid directions.

24th March, 2023

Sonia Puri

(JASGUPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No