

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

216

CWP-5732 of 2023

Date of Decision:18.04.2023

Kamal Verma

....Petitioner(s)

Versus

Union of India and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Prateek Pandi, Advocate,
for the petitioner.

Ms. Amrita Singh, Advocate,
for the respondents.

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 to issue the passport to the petitioner since the respondents-Passport Authorities are not issuing the passport to the petitioner without any reasonable cause.

It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner had applied for passport in November 2022 and there was an earlier FIR No.160 dated 30.06.2019, under Section 306 IPC, registered at Police Station City, District Kapurthala and in that FIR the police has not even filed any challan against the petitioner and therefore there was no impediment for the Passport Authorities to have not issued passport to the

petitioner. He submitted that it is a settled law that mere pendency of an FIR where even the Court has not taken cognizance, the passport cannot be refused since there is specific ground available with the Passport Authorities under Section 6 of the Passports Act. He also relied upon two judgments of this Court in **Daler Singh versus Union of India 2015(8) RCR (Civil) 618** and **Sahib Jaskaran Singh versus Union of India and others (CWP-1955 of 2015)** to support his case.

On the other hand, Ms. Amrita Singh, learned counsel appearing on behalf of the respondents-Passport Authorities has submitted that the application which has been filed by the petitioner will be processed as early as possible and it will be finalized within a period of four weeks from today after seeking few verifications from the concerned police station and the police verification report.

I have heard the learned counsel for the parties.

The only issue involved in the present case is that according to learned counsel for the petitioner, the application for grant of passport was filed on 10.11.2022 but no action has been taken by the Passport Authorities probably on the ground that there was one FIR against the petitioner four years ago but no challan has been presented qua the petitioner and it could not have become a ground for non-issuance of the passport to the petitioner. Learned counsel appearing on behalf of the respondents-Passport Authorities has specifically stated that the application of the petitioner will be processed expeditiously and within a period of four weeks from today. Therefore, this Court deems it fit and proper to dispose of the present petition with the following directions:-

- “1. The petitioner will appear before respondent No.2-Passport Authority on 25.04.2023 at 11:00 AM either himself or through his counsel and shall provide all the informations pertaining to the aforesaid FIR or any other criminal case against the petitioner by providing all the documents and also furnish an affidavit with regard to the status of the aforesaid FIR or any other criminal case against the petitioner.
2. In the meantime, the Regional Passport Officer shall also process the application of the petitioner by seeking report from the concerned police quarters with regard to the aforesaid FIR or any other criminal case against the petitioner and shall thereafter process the application of the petitioner and finalize the same within a period of five weeks thereafter.
3. At the time of considering the application of the petitioner, the Passport Authorities shall keep in mind the judgments of this Court in *Daler Singh's* and *Sahib Jaskaran Singh's* cases (supra).
4. Thereafter, in case the petitioner is found to be entitled for the grant of passport, then the same shall be released to the petitioner within a period of next two weeks. However, in case the passport authorities come to the conclusion that the petitioner is not 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 after giving opportunity of personal hearing to the petitioner, which shall be conveyed to the petitioner.

In view of the aforesaid directions, the present petition stands disposed of.

(JASGURPREET SINGH PURI)
JUDGE

April 18, 2023

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