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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6513-2023 (O&M)
Date of Decision: 28.03.2023

Amrik Singh

....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. G.K. Mann, Senior Advocate with
Mr. Anmol Jeevan S. Gill, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present 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 a passport to the petitioner.

Learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner had filed an application in the year 2019 to the Passport Authorities but neither the passport has been issued nor any order has been passed for refusal of the same. She submitted that in fact apparently there was one FIR which was of the year 1990 and in that FIR even challan has not been presented till date and therefore it cannot be said that any criminal proceeding was pending against the petitioner. She further submitted that it is a settled law that mere pendency of an FIR would not disentitle the petitioner for grant of passport 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 Versus Union of India and others [CWP No.19551 of 2015]*.

Notice of motion.

Mr. Karan Singh, Advocate accepts notice on behalf of respondent-Passport Authorities and states that he has sought instructions in the present case after receiving the advance copy of the present petition and he has instructions to state that the application which was filed by the petitioner has since been closed being an old application. He further submitted that in case the petitioner now files a fresh application in accordance with law for grant of fresh passport, then the same will be considered by the Passport Authorities as expeditiously as possible and also in the light of the aforesaid judgments.

I have heard the learned counsel for the parties.

The only prayer of the petitioner is with regard to the grant of passport but the learned counsel for the Passport Authorities has stated that the application which was filed by the petitioner has since been closed and that he has also got no objection in case the petitioner files a fresh application so that the same can be finalized expeditiously.

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

1. The petitioner shall be at liberty to file a fresh application for the grant of passport before the Passport Authorities within a period of three weeks from today.

2. In the event of the petitioner filing of such a fresh application, the Passport Authorities shall consider and finalize the application within a period of four weeks thereafter. Needless to say that while considering the fresh application, if any, filed by the petitioner, the Passport Authorities shall consider the same in the light of the aforesaid two judgments passed by this Court in *Daler Singh Vs. Union of India and other s(Supra)* and *Sahib Jaskaran Singh Versus Union of India and others (Supra)*.
3. In case the petitioner is found to be entitled for the grant of passport after considering his application, then the same shall be issued to the petitioner within next three weeks and in case under the law the petitioner is found to be not entitled for the passport, the respondent No.3-Passport Authorities shall pass a well-reasoned speaking order and also in view of the aforesaid two judgments.

28.03.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No