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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-10499-2022 (O&M)
Date of Decision: 30.01.2023

Karanjit Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Judgepreet Singh Warring, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

CM-16584-CWP-2022

For the reasons mentioned in the application, the same is allowed and accompanying documents as Annexures P-4 to P-6 are taken on record, subject to all just exceptions.

CWP-10499-2022

Vide order dated 17.05.2022, the matter was adjourned *sine die*.

Today, learned counsel for the petitioner has submitted that the present case can be disposed of by issuing directions to the respondents and prays that on his oral request, the present case may be taken on board today.

The prayer of the learned counsel for the petitioner is accepted and the main case is taken on board today itself.

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of *mandamus* directing the respondents to issue/re-issue the passport of the

petitioner in the interest of justice.

Learned counsel for the petitioner has submitted that the petitioner had filed an application for grant of passport to respondent No.2 in the year 2019 but no action has been taken by the Passport Authority despite the fact that there was no impediment under the law for grant of passport to the petitioner. He further submitted that there was an FIR bearing No.160, dated 24.10.2014, under Sections 307, 120-B, 148, 149, 506 IPC and Sections 25, 27, 54 & 59 of the Arms Act, registered at Police Station Kot Isse Khan, District Moga but thereafter the police investigated the matter and submitted the cancellation report before the concerned Court. Thereafter, a protest petition was filed by the complainant and even a criminal complaint was also filed by the complainant directly to the Magistrate. He also submitted that the petitioner had in fact challenged the summoning order before this Court in CRM-M-35879-2017 and vide Annexure P-6, the passing of the final order by the trial Court was stayed by this Court on 28.03.2018. He further submitted that in this way the trial has not commenced till date and the petitioner is not facing any trial, and therefore, in terms of Section 6 (2)(f) of the Passport Act, there is no impediment against the petitioner. He further submitted that in view of the aforesaid position, the petitioner has been deprived of his right to get issued his valid passport.

On the other hand, Ms. Monica Chawla, Advocate has caused appearance on behalf of respondent Nos.1 & 2 and has submitted that the initial application which was filed by the petitioner in the year 2019 has since been closed in the year 2019 itself and thereafter, the petitioner has not filed any fresh application which could be further processed. She further submitted that in case the petitioner files any fresh application strictly in accordance with law along with all the requisite documents then the Passport Authority will process the same in

accordance with the provisions of law as expeditiously as possible.

Learned counsel appearing on behalf of the petitioner at this stage has submitted that in view of the aforesaid position wherein the Passport Authority is willing to process the fresh application of the petitioner in accordance with law, he may be granted liberty to file a fresh application to the Passport Authority for grant of passport and a time-bound direction be issued to the Passport Authority to consider it in accordance with law.

I have heard the learned counsel for the parties.

The earlier application filed by the petitioner has since lapsed as per the learned counsel for the respondents-Passport Authority. The stand of the learned counsel for the petitioner is that there was no impediment of the Passport Authorities to have refrained themselves for issuance of passport in view of Section 6(2)(f) of the Passport Act but the stand of the learned counsel for respondent Nos.1 & 2 is that the application of the petitioner has lapsed in the year 2019 itself and in case a fresh application is to be filed by the petitioner then the same will be considered in accordance with latest status of criminal cases/FIR against him.

In view of the aforesaid position, this Court is of the view that the present petition can be disposed of at this stage with the following directions:-

1. The petitioner shall be at liberty to file a fresh application to the Passport Authority along with all the requisite documents and an affidavit with regard to the status of the criminal cases/FIR against him.
2. In the event of filing of any such fresh application, the Passport Authority shall consider the same strictly in accordance with law within a period of six weeks from today.

3. In case, the Passport Authority comes to the conclusion that the petitioner is entitled for grant of passport then the same shall be issued to him within a period of two weeks thereafter, but in case for any reason under the law, the Passport Authority comes to the conclusion that the petitioner is not entitled for grant of passport then the concerned Passport Authority after hearing the petitioner or his counsel shall pass a well-reasoned speaking order in this regard which shall be conveyed to the petitioner.

With the aforesaid directions, the present writ petition is disposed of.

30.01.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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