

CWP-9339-2023

-1-

108

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

CWP-9339-2023

Date of Decision: 02.05.2023

Sarabjit Kaur

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Padamkant Dwivedi, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to issue passport to the petitioner.

2. Learned counsel for the petitioner has submitted that the petitioner had filed an application before the Passport Authority for the grant of passport in the year 2019 and till date, the application has not been finalized by the Passport Authorities. He further submitted that there was an FIR bearing No.150, dated 26.09.2017 under Sections 452, 324, 326, 148 & 149 of the IPC and Sections 25/27 of the Arms Act, registered at Police Station Jhabhal, District Tarn Taran against the petitioner but till date no report under Section 173 Cr.P.C. has been filed and in view the judgments of this Court passed in “Daler Singh Vs. Union of India and others”, 2015(8) RCR (Civil) 618 and CWP-19551-2015 titled as “Sahib Jaskaran Singh Vs. Union of India and others”, the mere pendency of an FIR in which even the judicial Court has not taken cognizance, the passport cannot be denied and even otherwise also no such ground has been provided

under Section 6 of the Passports Act for refusal of the passport on the ground of mere pendency of the FIR.

3. Notice of motion.

4. Mr. Karan Kumar Jund, Advocate has caused appearance on behalf of the Passport Authorities and stated that he has already received an advance copy of the present petition and he has also sought instructions to state that the application which was filed by the petitioner in the year 2019 has already been closed but he has instructions to state that in case the petitioner files a fresh application for grant of passport then the same shall be considered and finalized within a period of two months from the filing of the fresh application in the light of the aforesaid two judgments passed in “***Daler Singh’s case (supra)***” and “***Sahib Jaskaran Singh’s case (surpa)***”.

5. Ms. Akshita Chauhan, learned DAG, Punjab accepts notice on behalf of respondent No.3/State has also stated on instructions that in the aforesaid FIR, no challan has been presented till date.

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

1. The petitioner shall be at liberty to file a fresh application to the Passport Authorities for grant of passport in accordance with law within a period of 3 weeks from today.
2. In the event of filing a fresh application by the petitioner, the Passport Authority shall consider and finalize the same within next period of six weeks.
3. While considering the application of the petitioner, if any, the Passport Authority shall consider the same in the light of the aforesaid two judgments passed in “***Daler Singh’s case (supra)***”

and “*Sahib Jaskaran Singh’s case (surpa)*”.

4. Thereafter, in case, the petitioner is found to be entitled for the grant of passport then the same shall be released to him within a period of next two weeks and in case, for any reason whatsoever under the law, the petitioner is found to be not entitled for the same, then the Regional Passport Officer shall pass a well-reasoned speaking order in this regard in accordance with law which shall be conveyed to the petitioner.

02.05.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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