

In the High Court of Punjab and Haryana at Chandigarh

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2023:PHHC:089650

CWP No. 10613 of 2023

Date of Decision: 18.07.2023

Parminder Singh

---Petitioner

versus

Union of India and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. M.K.Singla, Advocate
for the petitioner

Ms. Saigeeta Srivastva, Advocate
for Union of India

JAGMOHAN BANSAL, J. (ORAL)

The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 09.07.2020 (Annexure P-9) and directions to respondents to delete the entry regarding impounding of his passport.

The petitioner inter alia contends that he was issued passport on 13.11.2019 and vide letter dated 09.07.2020 has been directed to submit Court order for visiting abroad and release of order impounding passport. An FIR No.132 dated 13.12.2019 under Section 409 of IPC was registered against the petitioner. On the basis of said FIR, the petitioner has been directed to get order from Court for visiting abroad and release of order impounding passport. The police till date has not filed its report in terms of Section 173 Cr.P.C., thus,

respondents cannot invoke Clause (f) of Section 6(2) of the Passport Act, 1967 (in short “the Act”). The Central Government vide Notification dated 25.08.1993 followed by instructions dated 10.10.2019 has clarified that rigour of Cause (f) of Section 6 (2) of the Act would be applicable only where case has been filed in Court and Court has already taken cognizance.

The relevant extracts of the instructions dated 10.10.2019 are reproduced hereinbelow:-

“(vi) In case where the secondary police verification is also ‘adverse’, it may be examined whether the details brought out in the police report match the undertaking submitted by the applicant. It may be noted that mere filing of FIRs and cases under investigation do not come under the purview of Section 6 (2) (f) and that criminal proceedings and all connected cases would only be considered pending against an applicant if a case has been registered before any Court of law and the Court has taken cognizance of the same.”

On being confronted with the aforesaid Notification read with instructions dated 10.10.2019, learned counsel for the respondents submits that respondents would look into grievance of the petitioner and pass order after considering instructions dated 10.10.2019 especially the aforesaid clause.

The petition stands disposed of with a direction to respondents to pass an appropriate order considering Notification

dated 25.08.1993 as well instructions dated 10.10.2019 within 8 weeks
from today.

**(JAGMOHAN BANSAL)
JUDGE**

18.07.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No