

209
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18502-2019 (O&M)
Date of Decision: 08.02.2023

HARPREET SINGH

....Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Navjot Singh, Advocate,
for the petitioner.

Mr. Dheeraj Kumar, Advocate for
Ms. Anju Rathore, Advocate,
for respondent Nos. 1 to 3.

Ms. Akshita Chauhan, DAG, Punjab,
for respondent Nos. 4 and 5.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of *Mandamus* directing the respondents to re-issue the passport to the petitioner.

Learned counsel for the petitioner submitted that it is a case where the passport of the petitioner had expired on 09.09.2018 and subsequent to that he had applied for re-issuance of passport on 29.03.2018 vide Annexure P-2 and for that purpose even an appointment was given to him for 03.04.2018. He submitted that thereafter the police did not give clearance report and a show-cause notice was issued to the petitioner vide

Annexure P-3 by stating that there was an adverse police verification and that there was some suppression of material information. He submitted that thereafter the petitioner had supplied all the information to the respondent-Passport Authorities vide Annexure P-4 but his passport was not processed. He submitted that it appears that now the aforesaid application had elapsed since the application was of the year 2018 and the present writ petition has been filed in the year 2019 and in the efflux of time, the application had elapsed. He submitted that the action of the respondents was not in accordance with law in view of the fact that the petitioner was facing two FIRs which have been so stated in para No.4 of the petition and it is a settled law that mere pendency of FIR could not become an embargo for the purpose of issuance of passport in terms of Section 6(3) of the Passports Act. He submitted that even otherwise also so far as FIR No.61 dated 23.05.2014, under Sections 447, 511, 506, 354, 34 IPC, Police Station Bullowal, Hoshiarpur is concerned, the same has already been cancelled and the cancellation report has been accepted by the learned trial Court and therefore, the aforesaid FIR is not in existence as of today and so far as FIR No.76 dated 05.04.2015, under Sections 406, 420 and 120-B IPC, Police Station Rama Mandi, Jalandhar is concerned, the said FIR has already been quashed by this Court vide Annexure P-5. He submitted that in this way the petitioner is not facing any criminal proceedings in any Court of law and therefore, there is no embargo for the respondents to have not issued the passport to the petitioner especially 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]. Learned counsel has also submitted that now the petitioner is willing to file a fresh application for grant of passport and in view of the fact that earlier show-cause notice was issued to him, there is a possibility that his fresh application may also be not pursued in view of the aforesaid show-cause notice and has prayed that a time bound direction be issued to the respondent-Passport Authorities to consider and finalize his passport strictly in accordance with law.

Mr. Dheeraj Kumar, Advocate has appeared on behalf of Ms. Anju Rathore, Advocate for respondent Nos. 1 to 3 and has submitted that the learned counsel is not available today.

Ms. Akshita Chauhan, learned DAG, Punjab on the basis of instructions has submitted that it is correct that in FIR No.61 dated 23.05.2014, under Sections 447, 511, 506, 354, 34 IPC, Police Station Bullowal, Hoshiarpur, the petitioner has already been declared as innocent and the cancellation report has been accepted by the competent Court and it is also correct that FIR No.76 dated 05.04.2015, under Sections 406, 420 and 120-B IPC, Police Station Rama Mandi, Jalandhar has been quashed by this Court vide Annexure P-5. She submitted that in case the petitioner files any fresh application for grant of passport, then the police authorities will furnish the fresh police verification report promptly.

I have heard the learned counsel for the parties.

It is a case where the present petition is pending before this Court from the year 2019 and the only prayer made by the petitioner was for the grant of passport. He had filed an application for grant of passport to the Passport Authorities in the year 2018 and the Passport Authorities had

issued notice to him to which he had replied. However, at present the core issue which survives is as to what is the status of the FIRs against the petitioner which has been so explained by the learned counsel for the petitioner as well as learned Deputy Advocate General, Punjab. The previous application of the petitioner had already elapsed. Learned counsel for the petitioner has submitted during the course of arguments that a fresh application will be filed within a period of two weeks from today for grant of passport.

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 before the Passport Authorities within a period of two weeks from today. In the event of filing of such an application, the Passport Authorities shall consider the same in accordance with law and also in the light of the judgments of this Court in ***Daler Singh Vs. Union of India and others Sahib Jaskaran Singh Versus Union of India and others (Supra)***. In case any further information is required by the Passport Authorities, then the petitioner shall be informed regarding the same by way of written communication.
2. Thereafter the application, if any, filed by the petitioner shall be processed by the Passport Authorities within a period of two months. In case thereafter the petitioner is found to be entitled for the grant of passport, then the same shall be finalized and issued strictly in accordance with law within a period of next two weeks. However, in case for any reason under the law, the petitioner is not found to be entitled for the grant of

passport, then the petitioner shall be afforded a personal hearing and thereafter, the Passport Authorities shall pass a well-reasoned speaking order in this regard.

3. In the event of petitioner filing a fresh application for grant of passport as aforesaid, the entire exercise shall be completed within a period of three months from today.

08.02.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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