

In the High Court of Punjab and Haryana at Chandigarh

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2023:PHHC:099667

CWP-14599 of 2023

Date of Decision: 03.08.2023

Moher Singh

---Petitioner

versus

Union of India and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Chahit Bansal, Advocate
for the petitioner
Ms. Monica Chawla, Advocate
for Union of India
Mr. Deepanjay Sharma, D. A.G, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent No. 4 to issue passport which was applied on 09.01.2023.

2. Learned counsel for the petitioner inter alia contends that FIR No. 88 dated 08.08.2017, under Sections 148, 323 and 341 of IPC at Police Station Bareta was registered against the petitioner. The trial court vide order dated 20.01.2023 (Annexure P-5) acquitted the petitioner. The complainant has preferred appeal against judgment of acquittal which is pending before Appellate Court. The case of petitioner is not covered by Clause (e) or (f) of Section 6(2) of the Passport Act, 1967.

3. Ms. Monica Chawla, counsel for Union of India submits

that she has instructions to say that petitioner may be directed to supply copy of Court order, in terms of Notification No. 570 dated 25.08.1993 issued by Central Government. As soon as the petitioner would submit copy of Court order, the passport would be issued to the petitioner.

4. It is undisputed fact that petitioner has already been acquitted vide judgment dated 20.01.2023 passed by JMIC, Budhlada. The complainant has preferred an appeal against judgment of acquittal which is pending before the Appellate Court. The petitioner has enclosed copy of judgment of acquittal alongwith writ petition. Notification No. 570 dated 25.08.1993 is applicable where criminal proceedings are pending whereas in the case in hand, petitioner has already been acquitted, thus, there is no question of applicability of Notification No. 570 dated 25.08.2023. The passport authority has wrongly interpreted the aforesaid Notification and withheld passport of the petitioner. The case of the petitioner is not covered either by clause (e) or (f) of Section 6(2) of the Passport Act, 1967, thus, respondent authorities are bound to process application of the petitioner.

5. In view of the aforesaid facts and findings, the instant petition deserves to be allowed and accordingly allowed. The passport authorities are directed to process application of the petitioner and thereafter issue passport, subject to compliance of other requirements of the Passport Act, 1967 and Rules made thereunder.

(JAGMOHAN BANSAL)
JUDGE

03.08.2023

paramjit

Whether speaking/reasoned : Yes

Whether reportable : Yes/No