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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20639-2019 (O&M)
Date of Decision: 15.03.2023

Karanbir Singh @ Karanbir Singh Bhinder

....Petitioner(s)

Versus

Union of India and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. M.S. Bal, Advocate, for the petitioner.

Ms. Shweta Nahata, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *Mandamus* directing the respondents to issue passport to the petitioner regarding which application dated 28.06.2017 (Annexure P-1) and the acknowledgement letter dated 14.08.2017 (Annexure P-2) for issuing the passport has been submitted by the petitioner with respondent No.2.

Learned counsel for the petitioner has submitted that the petitioner had applied for the grant of passport in the year 2017 but the Passport Authorities did not issue the passport to the petitioner and since there were two FIRs against the petitioner i.e. FIR No.3 dated 05.01.2017, under Sections 379-B, 341, 506 and 34 IPC, registered at Police Station Verowal, District Tarn Taran and FIR No. 63 dated 23.03.2017, under

Section 8-B of National Highways Act, 1956 but thereafter during the course of investigation, the petitioner was found to be innocent and even as of date, there is no criminal proceeding pending against the petitioner in any of the aforesaid FIR or any other FIR. He submitted that the action of the respondents was arbitrary since it is a settled law that in case any FIR is pending, then that itself would not be a ground for refusal of the passport. He referred to 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]*** in this regard.

On the other hand, Ms. Shweta Nahata, Advocate appearing on behalf of the Passport Authorities has submitted that when the petitioner had filed an application for grant of passport, then there was an adverse police verification report and thereafter information was sought from the petitioner but the same was not received from him and consequently now since the application was of the year 2017, the same has now been closed. She submitted that in case the argument raised by the learned counsel for the petitioner that he has been found innocent and there is no criminal proceeding pending against him is taken to be true, then the petitioner is always at liberty to file any fresh application for grant of passport. She further submitted that in case the petitioner files any fresh application, then the same shall be considered as expeditiously as possible by the Passport Authorities especially in the light of the aforesaid judgments in ***Daler Singh Vs. Union of India and others (Supra)*** and ***Sahib Jaskaran Singh Versus Union of India and others (Supra)***.

I have heard the learned counsel for the parties.

It is a case where the petitioner had earlier filed an application but the same was not finalized and was closed by the Passport Authorities due to receipt of adverse police verification report from the police. However, the case of the petitioner is that the mere pendency of an FIR could not have become a ground for not granting the passport and even otherwise also the petitioner has been found to be innocent in both the aforesaid FIR and there is no criminal case pending against him. Since the earlier application filed by the petitioner in the year 2017 has already been closed and now according to the learned counsel for the petitioner, there is no criminal proceeding pending against the petitioner, this Court deems it fit and proper to dispose of the present petition with the following directions:

1. The petitioner shall be at liberty to file a fresh application to the Passport Authorities within a period of three weeks from today in accordance with law.
2. In the event of the petitioner filing any fresh application, then the respondent-Passport Authorities shall consider and finalize the application filed by the petitioner within a period of four weeks thereafter.
3. While considering and deciding the application, if any, filed by the petitioner, the concerned Passport Authorities shall also keep in mind the aforesaid two judgments passed by this Court in ***Daler Singh Vs. Union of India and others (Supra)*** and ***Sahib Jaskaran Singh Versus Union of India and others (Supra)***.
4. In case the Passport Authorities come to the conclusion

that the petitioner is not entitled for the grant of passport for any reason under the law, then the Passport Authorities shall pass a well-reasoned speaking order within the aforesaid period of four weeks after hearing the petitioner or the counsel for the petitioner and thereafter the order shall be communicated to the petitioner or his counsel.

5. However, in case, the petitioner is found to be entitled for the grant of passport, then the same shall be issued to him within next period of three weeks.

15.03.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No