

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

106

CWP-15181-2023

Date of Decision : 19.07.2023

Anu Sharma

..... Petitioner

Versus

Union of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Mohit Shukla, Advocate
for the petitioner.

Mr. Arvind Seth, Advocate
for the respondent-UOI.

Mr. Maninder Singh, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of communication dated 10.05.2023 whereby the petitioner has been declined passport on the ground that FIR is registered against him.

2. Learned counsel for the petitioner *inter alia* contends that an FIR No.75 dated 09.07.2020 was registered against the petitioner, however, police after completing investigation has found the petitioner innocent and accordingly, DSP has prepared cancellation report. As no *challan* has been presented till date against the petitioner, he is entitled to passport in terms of instructions dated 10.10.2019 issued by the Central Government. 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.”

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

4. The petition stands disposed of with a direction to respondents to pass an appropriate order considering instructions dated 10.10.2019 within 8 weeks from today.

19.07.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No