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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-16497-2023

Date of Decision:12.09.2023

GURDIP SINGH

..... Petitioner

*Versus*

GOVERNMENT OF INDIA AND ANR

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Ms. Ruby Kaur , Advocate  
for the petitioner.

Mr. Ankur Sharma, Senior Panel Counsel  
for the respondents.

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**JAGMOHAN BANSAL, J. (Oral)**

1. Short reply by way of affidavit dated 20.08.2023 filed on behalf of the respondents alongwith Annexure R-1 to Annexure R-4 is taken on record. Registry is directed to tag the same at an appropriate place.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to issue passport clearance certificate to the petitioner with respect to passport No.V3328155.

3. The petitioner was issued passport which was valid upto 24.02.2021. The petitioner applied for re-issuance of passport on the ground that his passport has lost. The police authorities submitted verification report and on the basis of verification report fresh passport was issued which is valid upto 04.11.2031. The respondent No.2 received

a communication dated 09.03.2022 from Deputy Commissioner of Police, Special Cell/Head Quarter, Delhi, disclosing that they have recovered 24 passports from an agent which includes passport of the petitioner. As per petitioner, his passport was lost at Main Bazar, Dasuya. Delhi police has registered FIR No.29 dated 04.02.2022, under Sections 420, 467, 468, 471 and 120B of IPC read with Section 12 of Passport Act.

4. The petitioner on 23.06.2023 applied for PCC. The respondent has not issued PCC because of pendency of aforesaid FIR No.29 dated 04.02.2022. The respondent vide communication dated 20.08.2023 requested the Deputy Commissioner of Police, Delhi to clarify as to whether petitioner is involved in the aforesaid FIR. The said communication was followed by letter dated 06.09.2023, however, there is no response from Deputy Commissioner of Police, Delhi.

5. Learned counsel for the petitioner submits that he is ready to furnish undertaking alongwith bank guarantee to the effect that petitioner is not involved in the aforesaid FIR and he has rightly stated that his passport was lost. The petitioner has not furnished a false information.

6. Learned counsel for the respondents submits that possibility of involvement of petitioner in the aforesaid FIR cannot be ruled out, however, he expressed his inability to show any documentary evidence of involvement of the petitioner especially when FIR is dated 04.02.2022. The petitioner is seeking PCC as petitioner has received work permit from U.K and in the absence of PCC he cannot get Visa to visit U.K.

7. The FIR was registered on 04.02.2022 and respondent has

not placed on record any documentary evidence of involvement of the petitioner in the aforesaid FIR, thus, in the wake of statements of both sides, the petitioner is directed to furnish undertaking alongwith bank guarantee of Rs.10 lacs which would be valid for 1 year, to the effect that petitioner is not involved in the aforesaid FIR and has correctly disclosed the fact that passport was lost. The respondent shall issue PCC within 1 week from today subject to furnishing of undertaking alongwith bank guarantee of Rs.10 lacs by the petitioner.

( JAGMOHAN BANSAL )

JUDGE

12.09.2023

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|---------------------------|---------------|
| Whether speaking/reasoned | Yes/No        |
| <i>Whether Reportable</i> | <i>Yes/No</i> |