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

CWP-22215-2022

Date of Decision: 20.02.2023

Sukhjinder Singh Mavi

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amardeep Singh Mann, Advocate
for the petitioner.

Mr. Karan Singh, Advocate,
for respondents No.1 to 4.

Ms. Akshita Chauhan, Advocate,
for respondent Nos.5 to 7.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of *mandamus* directing the respondents to issue/re-issue the passport and Police Clearance Certificate to the petitioner, which has been denied to him due to pendency of FIR No.214, dated 09.07.2004 under Sections 406 & 420 IPC read with Section 7 of Essential Commodities Act, registered at Police Station Samana, District Patiala.

Learned counsel for the petitioner has submitted that the petitioner was earlier involved in one FIR of the year 2004 regarding which even Cancellation Report has been submitted by the Police which was although not accepted by the learned Magistrate and it is still pending before

the Magistrate on the basis of the protest petition filed by the complainant. In this way, there are no criminal proceedings pending against the petitioner. He further submitted that earlier he had filed a petition before this Court vide Annexure P-2 and the same was disposed of with the observation that in case the petitioner carries out the necessary formalities, as mentioned by learned counsel for the respondent within 15 days, the authorities shall consider issuance of the short validity passport for a period of two years. Thereafter, the petitioner was issued passport for a short period of two years which expired in January, 2022 and thereafter, he again filed an application for grant/issue/re-issue of passport vide Annexure P-3 and more than one year has lapsed but no further process has been undertaken by the Passport Authority. He also submitted that mere pendency of the investigation against the petitioner in an FIR case, would not deprive him for grant of passport in view of the judgment passed by this Court in “Daler Singh Vs. Union of India and others”, 2015(8) RCR (Criminal) 618 and CWP-19551-2015 titled as “Sahib Jaskaran Singh Vs. Union of India and others” decided on 13.10.2015.

On the other hand, Mr. Karan Singh, learned Counsel appearing on behalf of the Passport Authorities has submitted that in case the aforesaid application (Annexure P-3) is pending before the Passport Authorities, then further process will be undertaken in accordance with law.

In view of the aforesaid position, the present petition is disposed of with the following directions:-

1. In case the application filed by the petitioner vide Annexure P-3 is still subsisting before the Passport Authority, then the Passport Authority shall process the same strictly in accordance with law and finalize the same within a period of two months

from today. However, in case no such application is subsisting and the same has already been closed by the Passport Authorities, then the petitioner shall be at liberty to file a fresh application in accordance with law and in that event as well, the Passport Authorities shall process the same and finalize the same within a period of two months thereafter from the filing of the fresh application.

2. After processing the application as aforesaid, in case, the Passport Authority comes to the conclusion that the petitioner is entitled for grant of passport according to law, then the same shall be issued to him within a period of two weeks thereafter, but in case the Passport Authority comes to the conclusion that the petitioner is not entitled for grant of passport for any reason under the law then the concerned Passport Authority shall pass a well-reasoned speaking order in this regard after hearing the petitioner or the learned counsel for the petitioner.
3. The aforesaid judgments passed by this Court ***Daler Singh's case (Supra)*** and Sahib Jaskaran Singh's case (Supra) shall be kept in mind while processing and finalizing the application filed by the petitioner.

20.02.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |