

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25706-2019 (O&M)
Date of Decision: 07.02.2023

Nirpreet Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manpreet Singh, Advocate, for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

Reply has been filed by the Deputy Superintendent of Police (City), Moga, District Moga which is taken on record.

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of *Mandamus* directing respondents No. 2 and 3 to issue a police clearance certificate for preparing the passport.

Learned counsel for the petitioner has submitted that the petitioner had applied for the passport but the police has not sent the police clearance certificate to the Passport Authorities with the result that he could not be issued the passport.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab while referring to the short reply filed by the Deputy Superintendent

of Police (City), Moga submitted that there were two criminal cases against the petitioner. In FIR No.122 dated 15.06.2014, under Section 21 of NDPS Act, Police Station City Moga, the trial had already concluded and the petitioner was convicted in the year 2015. So far as FIR No.247 dated 20.11.2014, under Section 15/18/21/22/61/85 of NDPS Act, Police Station City Moga is concerned, the police had filed cancellation report before the competent Court which has been accepted on 26.02.2021.

I have heard the learned counsel for the parties.

The prayer in the present petition is only to the limited extent to the respondent-police officials to send the police clearance certificate for preparation of the passport. So far as the precise prayer made by the petitioner for seeking a direction to the police to send the police clearance certificate is concerned, this Court would not make any observation with regard as to whether the police is giving any clearance or not but this Court is of the view that the police is bound to send the police verification report/status with all the documents thereof to the Passport Authorities so that the application for passport of the petitioner can be processed further in accordance with law and passport should not be withheld only because of delay of pendency of police verification report from the Police Department.

In view of the above, the respondent No.3 is directed to send the police verification report to the Passport Authorities by giving the details of the cases against the petitioner and status thereof and strictly in accordance with law within a period of one month from today.

The present petition stands disposed of accordingly.

07.02.2023
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No