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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24136-2021
Date of Decision: 13.02.2023

ANGREJ SINGH

....Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kuldeep Singh Saini, Advocate for
Mr. B.S. Randhawa, Advocate, for the petitioner.

Ms. Shweta Nahata, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of *Mandamus* directing the respondents to issue passport to the petitioner which has wrongly withheld due to FIR No. 64 dated 07.05.2008, under Sections 323, 324, 326, 148 and 149 IPC, Police Station Majitha, District Amritsar and FIR No.143 dated 28.09.2014, under Sections 323, 324, 427, 148 and 149 IPC, Police Station Majitha, District Amritsar.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner had applied for passport on 09.12.2019 but no action has been taken by the Passport Authorities in this regard. He submitted that in fact the petitioner was earlier involved in two FIRs but there are no proceedings pending in the Criminal Court and therefore,

there is no bar for the Passport Authorities to have not issued the passport to the petitioner. He submitted that so far as FIR No. 64 dated 07.05.2008, under Sections 323, 324, 326, 148 and 149 IPC, Police Station Majitha, District Amritsar is concerned, the same has been quashed by this Court vide Annexure P-2 and so far as FIR No.143 dated 28.09.2014, under Sections 323, 324, 427, 148 and 149 IPC, Police Station Majitha, District Amritsar is concerned, the cancellation report has already been prepared by this Court and has been submitted to the learned Magistrate and in this way, he is not hit by the bar contained Section 6(2) (f) of the Passports Act.

On the other hand, Ms. Shweta Nahata, learned counsel appearing on behalf of the Passport Authorities has submitted that it was due to the pendency of the FIRs that the process could not take place and there was an adverse report from the police. She submitted that be that as it may, now the file of the petitioner for grant of passport has already been closed and now since the learned counsel for the petitioner has submitted that there is no criminal proceeding pending against the petitioner and in case the petitioner files any fresh application for grant of passport by giving the particulars of the aforesaid FIRs including an undertaking that no criminal case is pending against him, then the Passport Authorities will consider the fresh application, if any, filed by the petitioner in accordance with law and process the same within a period of six weeks.

Learned counsel for the petitioner has submitted that in view of the statement made by the learned counsel for the Passport Authorities,

he will file a fresh application to the Passport Authorities within a period of three weeks from today and a time bound direction be issued in this regard.

I have heard the learned counsel for the parties.

In view of the aforesaid position as stated by the learned counsel for the parties, the present petition is disposed with the following directions:-

1. The petitioner shall be at liberty to file a fresh application before the Passport Authorities for the grant of passport within a period of three weeks from today alongwith all the requisite documents and also an undertaking in the form of an affidavit with regard to the status of the FIRs against the petitioner.
2. The Passport Authorities on the receipt of the application, if any, by the petitioner shall thereafter process the application and in case the Passport Authorities requires any other information or document, then the same shall be communicated to the petitioner by way of written communication within a period of two weeks thereafter.
3. Thereafter the Passport Authorities shall proceed with the application so filed by the petitioner if any and finalize the same within a period of four weeks thereafter.
4. On the finalization of the application in case the Passport Authorities come to the conclusion that the petitioner is entitled for the grant of passport in accordance with law, then the same shall be released to the petitioner within a period of three weeks thereafter..However, in case Passport Authorities for any reason whatsoever under the law come to the conclusion that the petitioner is not found entitled for the grant of passport, then the

Passport Authorities shall pass a well-reasoned speaking order after giving personal hearing to the petitioner. The entire exercise has to be completed within a period of three months from today.

13.02.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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