

214
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24517-2022
Date of Decision: 03.02.2023

BHUPINDER SINGH

....Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Chanakya Batta, Advocate,
for the petitioner.

Ms. Neha Sharma, Advocate,
for respondent Nos. 1 and 2.

Ms. Akshita Chauhan, DAG, Punjab,
for respondent Nos. 3 and 4.

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 the passport to the petitioner.

Learned counsel for the petitioner submitted that the petitioner had applied for the passport but due to the fact that his name had figured in an FIR bearing No. 52 dated 03.04.2019, under Section 452, 323, 324, 506, 148 and 149 IPC, registered at Police Station Shahkot, District Jalandhar Rural, the Passport Authorities did not process the application of the petitioner. He submitted that thereafter since the application of the petitioner had elapsed, he again filed an application afresh for issuance of

passport. He submitted that in fact in the aforesaid FIR during investigation the name of the petitioner was kept in column No. 2 because he was declared as innocent and no challan was presented against the petitioner and therefore, there was no impediment for the respondent-Passport Authorities to have not issued the passport to the petitioner especially in view of the judgments of this Court in ***Daler Singh Vs. Union of India and others [2015(8) RCR (Civil) 618]*** and ***Sahib Jaskaran Singh Versus Union of India and others [CWP No.19551 of 2015]***.

Ms. Akshita Chauhan, learned DAG, Punjab referring to the affidavit filed by the State submitted that it is correct that the petitioner was declared as innocent during investigation and his name was kept in column No.2 and they have already sent the police verification to the Passport Authorities.

Ms. Neha Sharma, Advocate appearing on behalf of the respondent-Passport Authorities submitted that in view of the aforesaid position fresh passport application of the petitioner will be processed in due course and it will be finalized within a period of four weeks from today.

In view of the aforesaid position, the present petition is disposed of with a direction to the Regional Passport Authority, Jalandhar to consider and finalize the application filed by the petitioner for issuance of passport strictly in accordance with law and within a period of four weeks from today. In case the petitioner is found to be entitled for the grant of passport, then the same shall be issued to him within a period of two weeks thereafter. However, in case for any reason under the law, the

petitioner is not entitled for the grant of passport, then the concerned Passport Authorities shall pass a well-reasoned speaking order in this regard which shall be communicated to the petitioner and before passing such order the petitioner shall also be heard.

03.02.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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