

CWP-28571-2022 (O&M);
CWP-28650-2022 (O&M);
CWP-28652-2022 (O&M) and
CWP-28978-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-28571-2022 (O&M)
Date of Decision: 02.02.2023

(I)
Gurdev Singh

....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

CWP-28650-2022 (O&M)

(II)
Sawinder Kaur

....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

CWP-28652-2022 (O&M)

(III)
Sukhraj Kaur

....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

CWP-28978-2022 (O&M)

(IV)
Rajbir Singh

....Petitioner(s)

Versus

Union of India and others

CWP-28571-2022 (O&M);
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.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S. Bal, Advocate, for the petitioner(s)

Ms. Neha Sharma, Advocate,
for respondent Nos. 1 to 3 in CWP-28571-2022.

Ms. Amrita Singh, Advocate,
for Union of India in CWP-28650-2022.

Mr. Arvind Seth, Advocate,
for respondent Nos. 1 to 3 in CWP-28652-2022.

Mr. Shweta Narata, Advocate,
for respondent Nos. 1 to 3 in CWP-28978-2022.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

All the four petitions are taken up together for final disposal with the consent of the learned counsel for the parties.

Learned counsel for the petitioners has submitted that all the four petitions have been filed by the different petitioners who are co-accused in the same FIR i.e. FIR No.118 dated 27.10.2018, under Sections 498A, 506, 120-B IPC, Police Station Bhindi Saidan, District Amritsar. He submitted that in fact there was a matrimonial dispute with the wife of petitioner namely Rajbir Singh and the remaining three petitions have been filed by the relatives of the aforesaid Rajbir Singh. He submitted that the FIR was based upon matrimonial dispute and there is no other FIR or any other case pending against the petitioners nor they are facing any criminal trial. He submitted that the aforesaid FIR is at the investigation stage and

even challan has not been presented before the Court under Section 173 Cr.P.C. He further submitted that otherwise also quashing petition was filed before this Court on merits which is still pending.

Learned counsel for the petitioners submitted that all the petitioners had filed applications to the Passport Authorities for the issuance of passport to them about 5-7 months ago but the Passport Authorities have not processed the applications till date nor granted any passport to the petitioners. He submitted that it is a settled law that mere pendency of an FIR which is still at the investigation stage and that too pertaining to matrimonial dispute only, the Passport Authorities cannot decline or refuse the passport to the applicants. He has also referred to 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]* in this regard and has submitted that there is no provision under the Passports Act on the basis of which passport can be denied to the applicants on the basis of pendency of an FIR and has submitted that the action of the Passport Authorities is totally arbitrary and unreasonable since valuable Statutory as well as Constitutional rights have been impaired.

Learned counsels appearing on behalf of the respondent-Passport Authorities in all the four petitions have jointly submitted that it is correct that the applications of the petitioners are pending before the Passport Authorities from about 5-7 months. They submitted that after the receipts of the applications, the applications were actually processed and

therefore, the argument raised by the learned counsel for the petitioners that the applications were not processed is wrong. They submitted that information was sought from the concerned police stations with regard to the status of FIR and the same was also sought from the petitioners but till date no information has been received and that was the reason as to why the applications were kept pending. They further submitted that so far as the point of law as to whether the Passport Authorities can withhold the passport on the ground of mere pendency of FIR is concerned, the same is not being disputed by the learned counsels for the respondents since the same has already been settled not only in the aforesaid two judgments but there is also a provision of law under the Passports Act.

I have heard the learned counsel for the parties.

In all the four petitions the petitioners are co-accused in the same FIR which is a matrimonial dispute and as per the learned counsel for the petitioners, the FIR is still at the investigation stage and even challan has not been presented before the Court and therefore, the Criminal Court has not taken cognizance of the aforesaid FIR as of date. However, the stand of the counsel for the respondent-Passport Authorities is that they have not been able to finalize the applications for grant of passport on the ground that they have not received any report from the police authorities.

This Court is of the view that the plea taken by the learned counsel for the Passport Authorities that they have not received any information from the police authorities can be accepted only when the time for that purpose is a reasonable time. 5-7 months time cannot be termed as a

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reasonable time and it is the duty of the Passport Authorities to verify the status of the FIR from the concerned police authorities within a reasonable time which should be just and proper and the application of an applicant cannot be delayed only on the ground that they have not been able to seek the status of the FIR from the concerned police authorities since it seriously affects and impairs the Statutory as well as Constitutional rights of the applicants. Such a plea of the Passport Authorities is unacceptable.

In view of the above, all the present petitions are hereby disposed of with a direction to the Passport Authorities to complete the process of the applications of the petitioners for grant of passport strictly in accordance with law and the entire process shall be completed within a period of four weeks from today.

Needless to say that after completion of all the formalities, in case the Passport Authorities are of the view that the petitioners are entitled for the grant of passport, then the same shall be issued to them within next two weeks and in case the Passport Authorities for any reason whatsoever under the law come to the conclusion that the petitioners are not entitled for the grant of passport, then a well-reasoned speaking order shall be passed within next two weeks thereafter.

02.02.2023

rakesh

Whether speaking
Whether reportable

**(JASGURPREET SINGH PURI)
JUDGE**

: Yes/No
: Yes/No