

215
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25480-2022
Date of Decision: 30.01.2023

SUKHDEV SINGH

....Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Randeep Tanwar, Advocate, for the petitioner.

Mr. Arvind Seth, Advocate for respondents No.1 and 2.

Ms. Akshita Chauhan, DAG, Punjab.
for respondent No.3.

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 Passport Authorities to re-issue the passport to the petitioner notwithstanding the pendency of FIR No.100 dated 16.07.2019, under Sections 420,465, 468, 471 and 120-B IPC, registered at Police Station Sirhali, District Tarn Taran.

Learned counsel for the petitioner has submitted that it is a case where the aforesaid FIR was registered against the petitioner in the year 2019 but till date no challan has been presented before the Court and no criminal Court has taken cognizance with regard to the aforesaid FIR qua the petitioner and it is a settled law that mere pendency of an FIR does

not make any embargo for the Passport Authorities to decline application for grant of passport and 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.

On the other hand, Mr. Arvind Seth, Advocate appearing on behalf of the Passport Authorities has submitted that the Passport Authorities had earlier issued a show-cause notice to the petitioner seeking verification of details but he did not reply and thereafter again a show-cause notice was issued to him. He has today filed a short reply on behalf of the Passport Authorities and has referred to Annexure R-5 dated 01.12.2022 wherein another show-cause notice was given to the petitioner by way of a reminder to furnish full particulars and details as required by the Passport Authorities. He submitted that once the petitioner furnishes all details/information which are required by the Passport Authorities, a final decision will be taken on the application of the petitioner thereafter within a period of four weeks.

At this stage, Ms. Akshita Chauhan, learned DAG, Punjab has submitted that so far as FIR No.100 dated 16.07.2019, under Sections 420, 465, 468, 471 and 120-B IPC, registered at Police Station Sirhali, District Tarn Taran is concerned, the FIR is still at the investigation stage and challan has not been presented.

I have heard the learned counsel for the parties.

The only issue involved in the present case which is apparent from the arguments advanced by the learned counsel for the parties is that

the petitioner had applied for passport but the Passport Authorities are seeking some information from the petitioner with regard to the FIR or any particulars but as per the learned counsel for the Passport Authorities such information has not been supplied. However, learned counsel for the petitioner during the course of arguments has submitted that the petitioner undertakes to supply all the information as required by the Passport Authorities in case any date and time is fixed for appearance before the Passport Authorities and therefore a time bound direction be issued to the Passport Authorities to consider and decide the application of the petitioner in accordance with law.

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

1. The petitioner will appear before the Regional Passport Authority, Amritsar on 09.02.2023 at 11.00 A.M and shall supply all the information which is required by the Passport Authorities especially with regard to the status of aforesaid FIR No.100 dated 16.07.2019, under Sections 420, 465, 468, 471 and 120-B IPC, registered at Police Station Sirhali, District Tarn Taran.
2. In the event of the petitioner doing so, the Passport Authorities shall consider all the information supplied by the petitioner and thereafter proceed to process the application filed by the petitioner strictly in accordance with law.

3. The aforesaid exercise shall be completed within a period of six weeks from today and in case the petitioner is found entitled for grant of passport, then the same shall be issued to him within a next period of two weeks and in case the Regional Passport Authority comes to the conclusion that for any reason under the law the petitioner is not found entitled for grant of passport, then the Regional Passport Authority shall pass a well-reasoned speaking order in this regard within next two weeks which shall be communicated to the petitioner.

30.01.2023
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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