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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-26772-2022 (O&M)
Date of Decision: 22.03.2023

Baltej Singh and another

....Petitioner(s)

Versus

Union of India and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S. Brar, Advocate, for the petitioners.

Ms. Neha Sharma, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *Mandamus* directing the respondents to issue passport to the petitioners.

Learned counsel for the petitioners has submitted that the petitioners had applied for issuance of passports vide applications dated 11.10.2022 vide Annexure P-1 and P-2 but till date the passports have not been issued to the petitioners. He submitted that in fact there were four FIRs against the petitioners and regarding which details have been given in para No.4 of the petition. He submitted that so far as FIR No.72 dated 07.05.2015, under Sections 447, 511, 336, 506, 148, 149 IPC and Sections 25, 27 of Arms Act, Police Station Nehianwala, District Bathinda is concerned, the same has already been cancelled and the cancellation report

has been accepted by the learned Magistrate regarding which the order has been attached as Annexure P-3. So far as FIR No.161 dated 08.11.2016, under Sections 341, 323, 324, 34 IPC and Section 27 of Arms Act, Police Station Nehianwala, District Bathinda is concerned, the same has already been quashed by this Court vide CRM-M-10689-2018 and the order has been attached as Annexure P-4. So far as FIR No.130 dated 03.10.2018, under Sections 326, 324, 148, 149 IPC, Police Station Nehianwala, District Bathinda is concerned, the same has already been cancelled and the cancellation report has been accepted by the learned Magistrate regarding which the order has been attached as Annexure P-5. So far as FIR No.72 dated 20.06.2019, under Sections 323, 324, 34 IPC, Police Station Nehianwala, District Bathinda is concerned, the same is pending investigation. He submitted that in this way only one FIR which is pending against the petitioners and that is also at the investigation stage. He submitted that it is a settled law that the mere pendency of an FIR would not debar the petitioners from getting the passports especially under Section 6(2) of the Passports Act and 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]***.

On the other hand, Ms. Neha Sharma, Advocate appearing on behalf of the respondent-Passport Authorities submitted that when the petitioners had filed applications for passport, then the Passport Authorities had sought detailed information with regard to the aforesaid FIRs or any other FIR to which the petitioners have not cooperated and not given the

detailed information, although they have now attached some of the orders alongwith the present petition. She submitted that in case the petitioners provide the detail orders and information with regard to all the FIRs against them, then the Passport Authorities will further expedite the processing of the applications and will finalize the same strictly in accordance with law as expeditiously as possible.

I have heard the learned counsel for the parties.

The petitioners had filed applications for grant of passports in October, 2022. They have attached various orders by which three of the FIRs are not in existence as either they have been quashed by this Court or they have been cancelled and the cancellation report has been accepted by the learned Magistrate. As per the petitioners themselves, there is only one FIR in which only investigation is pending and no challan has been presented in that case.

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

1. The petitioners shall appear before the Regional Passport Officer, Chandigarh on 12.04.2023 and supply all the necessary orders pertaining to all the FIRs pending against the petitioners and all the relevant information. The status of the FIRs etc. shall also be supplied to the Regional Passport Officer, Chandigarh in the form of an affidavit by the petitioners.
2. In the event of the petitioners providing all the information to the Regional Passport Officer as above,

then the Regional Passport Officer shall confirm and verify the same from the different quarters including the police authorities and further process the applications of the petitioners in accordance with law.

3. After processing the same, in case the petitioners are found to be entitled for the grant of passports especially in the light of the aforesaid two judgments passed by this Court in *Daler Singh Vs. Union of India and others (Supra)* and *Sahib Jaskaran Singh Versus Union of India and others (Supra)*, then the petitioners shall be issued passports within a period of three months thereafter.
4. In case the Passport Authorities come to the conclusion that the petitioners are not entitled for the grant of passports for any reason under the law, then the Passport Authorities shall pass a well-reasoned speaking order after hearing the petitioners or their counsel and thereafter the same shall be communicated to the petitioners or their counsel.

The entire exercise has to be processed and finalized within a period of three months from today.

22.03.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No