

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207

CWP-35589-2019

Date of Decision : 26.07.2023

Gurpiar Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Amardeep Singh Mann, Advocate and
Mr. Gursimran Singh, Advocate
for the petitioner.

Mr. P.S.Miglani, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking directions to the respondents to issue passport.

2. The petitioner has applied for passport to respondent No.2. An FIR No.117 dated 29.10.2003, under Sections 452, 326, 325, 324, 323, 34 of IPC at Police Station Jhunir, District Mansa, was registered against the petitioner. The petitioner came to be convicted vide judgment dated 02.06.2010 passed by Sub Divisional Judicial Magistrate, Sardulgarh. The petitioner unsuccessfully preferred appeal before Appellate Court. The petitioner has preferred CRR No.4191 of 2015 before this Court. The revision petition is pending and sentence of the petitioner stands suspended.

The petitioner has been convicted and sentence awarded is less than 2 years. The petitioner was convicted 05 years prior to filing application seeking passport.

3. From the perusal of record, it comes out that petitioner has applied for passport on 06.11.2019 and he was convicted vide judgment dated 02.06.2010 i.e. 9 years back from the date of filing of application. The petitioner was further sentenced to imprisonment of 1½ years i.e. less than 2 years, thus, the rigour of Section 6(2)(e) cannot be invoked. This Court in Mohan Lal @ Mohna vs. Union of India and others, CWP No. 27167 of 2018 disposed of vide judgment dated 14.07.2023 has decided the issue involved.

4. On being confronted with the aforesaid facts and judgment of this Court, Mr. P.S.Miglani, Advocate expressed his inability to controvert the applicability of the said judgment to the present case.

5. The instant petition stands disposed of in view of aforesaid judgment and passport authorities are directed to pass order in the same terms.

(JAGMOHAN BANSAL)
JUDGE

26.07.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No