Sr. No. 05

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 604/2023

1. **Iqbal Singh Age 19 years S/o Manjeet Singh R/o Abtal Tehsil Ramgarh District Samba**
2. **Ramandeep Singh Age 17 years minor Through his father Manjeet Singh Age 47 years S/o Kartar Singh R/o Abtal, Tehsil Ramgarh District Samba**

…. Petitioner/Appellant(s)

Through:- Mr. Surinder Singh, Advocate

V/s

1. UT of J&K through Commissioner/Principal Secretary, Home Department, Civil Secretariat Jammu 180001
2. Senior Superintendent of Police (SSP) CID Wing Canal Road, Jammu 180016
3. Passport Officer, Passport Office, Aquaf Market, Gandhi Nagar, Jammu 180004

…..Respondent(s)

Through:- Ms. Aparna Gupta, Advocate vice Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

08.11.2024

1. The petitioners have sought a direction upon respondent No. 3 to issue passports in their favour.

2. According to the petitioners, they had applied for passports after depositing the requisite fee. The application of the petitioner was allotted file number JM1066761201422 whereas, application of petitioner No. 2 was allotted file number JM1066765476422,

whereafter, the said applications were forwarded to respondent No. 2 for verification. The applications were submitted by the petitioners on 11.08.2022 and 12.08.2022 but despite lapse of so many years, the respondents have not taken any action in the matter which has compelled the petitioners to approach this Court.

3. Respondent No. 2 has filed reply to the writ petition. The relevant paragraphs of the reply filed by the said respondent are reproduced as under :-

> "***2.The Passport verification report in respect of character and antecedents of the "petitioners namely Iqbal Singh and Ramandeep Singh under file Nos. JM1066761201422 and JM1066765476422 respectively was received from SSP samba. The report revealed father of petitioners is member of Border Kissan Union, Ramgarh and he has affinity as well as prescribes to the ideology of Khalistan Zindabad Force (KZF). Father of petitioners also participated In protests organised by Border Kissan Union against the three Farm Laws passed by the parliament. One of the maternal uncle of petitioners viz S.Gurmall Singh, Is vice president of DGPC Ramgarh and is highly radicalized with Pro Khalistan Ideology. He is highly influenced by of Pro-Khalistan movement (secession of Punjab from India and creation of Khalistan, an independent sovereign state). He is active in social media. He shares es well as propagates Pro-Khalistan agenda on his social media accounts. He instigates Sikh community of the area to share his Pro-Khziistan posts. S.Gurmail Singh Is supporter of referendum 2020 of SFJ and also instrumental in organizing function of Shiromani Akali Dal, a Pro Khalistan party led by S.Simranjit Singh Mann, at Gurdawara Singh Sabha village Koulpur, Lakhanpur. The activities of S Gurmail Singh, maternal uncle of petitioners and father of petitioners are prejudicial to the security of the country.***
>
> ***3. On the basis of field report, the case of the petitioners has come within the ambit of the following security norms:***
>
> > ***"A security risk may exist when an individual's immediate family, Including cohabitants, persons living quarters with the applicant, regardless of their citizenship status and other persons to whom he or she may be bound by affection, influence, or obligation are involved in any of the below mentioned acts, directly or indirectly. ° Terrorism, secessionism, sedition, treason, espionage, facilitation of foreign influence, terror funding, incitement to violence, creating and propagating false narrative to spread disaffection against the Indian union***

> ***and support criminal acts already mentioned above, aiding and abetting any of the above".***
>
> ***4.Considering above facts and circumstances the Passport case of both the petitioners have been disposed of as "Not-recommended" and forwarded to Regional Passport Officer Jammu vide this Hqrs, letter No. CID/PP/NR/22/000233, dated 03-05-2023 and No. CID/PP/NR/22/000192 dated 06-04-2023 respectively."***

4. No reply has been filed by respondent No. 3

5. Heard and considered.

6. From a perusal of the pleadings of the parties, it is clear that petitioners have applied for issuance of passport in their favour with respondent No. 3 and their applications were forwarded to respondent No. 2 for getting verification with regard to their credentials. It also appears that respondent No. 2 vide communications dated 03.05.2023 and 06.04.2023 has forwarded the report relating to credentials of the petitioners to respondent No. 3.

7. As per the report submitted by respondent No. 2, father of the petitioners is a member of Border Kissan Union Ramgarh and he has affinity as well as prescribes to the ideology of Khalistan Zindabad Force. It is also reported that father of the petitioners has participated in the protest organized by Border Kissan Union against the three Farm Laws passed by the Parliament. The report further reveals that the maternal uncle of the petitioners S. Gurmail Singh is vice President of DGPC Ramgarh and is highly radicalized with Pro Khalistan Ideology. There are allegations that he is highly influenced by of Pro-Khalistan movement. He is active on social media and also instigates Sikh community to share his Pro Khalistan posts. In short, as per the report of the CID, the activities of father and maternal uncle of the petitioners are prejudicial to the security of the nation

8. The question whether the adverse CID reports relating to conduct of near relations of the petitioners would utter a ground for rejection of their passports in terms of provisions of the Passport Act or rules and guidelines issued thereunder is to be determined by passport authority i.e. respondent No. 3 but in no case, the said authority can delay a decision on the issue. Therefore, a direction is required to be passed against respondent No. 3 to decide applications of the petitioners with utmost dispatch.

9. Accordingly, the writ petition is disposed of with a direction to respondent No. 3 to take a final decision on the applications of the petitioners for grant of passport in accordance with the provisions contained in Passports Act and the rules & guidelines governing the filed.

10. The decision in this regard be taken by respondent No. 3 most expeditiously preferably within a period of one month from the date a certified copy of this order is made available to the said respondent.

11. Disposed of.

(Sanjay Dhar)
Judge

Jammu:
08.11.2024
Tarun/PS

Tarun Kumar Gupta
2024.11.11 17:10
I attest to the accuracy and
integrity of this document