

CWP-21018-2022
Date of decision: 13.02.2024

....PETITIONER

...RESPONDENTS

“Learned State counsel submits that as per State reply, FIR No. 21 dated 05.03.2021, under Sections 420, 465, 467, 468 and 471 of IPC stands registered against the petitioner at Police

Station, Adampur, District , Jalandhar. She confirms that till date challan has not been presented. She further submits that till date, police report under Section 173 Cr.P.C. has not been presented because complainant-passport authority has not supplied required documents.

Ms. Neha Sharma, Advocate for Union of India states that reply is ready and it would be filed within a week from today.

The Central Government has issued notification dated 25.08.1993 and further issued instructions dated 10.10.2019 wherein it has been clarified that embargo of Section 6 (2) (f) of the Passport Act, 1967 would not be applicable where challan/police report has not been filed or Court has not taken cognizance.

From the statement of learned State counsel as well State reply, it is quite evident that till date, challan has not been presented.

The passport authorities are directed to look into this aspect and incorporate their stand qua abovesaid instructions in the reply.”

4. The State counsel on 25.01.2024 pointed out that petitioner is not joining investigation, thus, police is unable to complete investigation. The petitioner undertook to appear before Investigating Officer. Accordingly, this Court directed him to appearing before the Investigating Officer on 30.01.2024.

5. Mr. Pawan Kumar, DAG, Punjab, on instructions from ASI Gurmeet Singh, submits that petitioner has joined investigation and challan would be presented after getting documents from passport authority.

6. Faced with this, counsel for Union of India submits that case of the petitioner would be re-considered and an appropriate order shall be passed within 3 months from today.

7. In the wake of statement of both sides, the present petition stands disposed of with a direction to respondents to consider application of the petitioner and pass an appropriate within 3 months from today.

13.02.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No