



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

(205)

CWP-7190-2025

Date of decision:- 30.01.2026

KARAN

... Petitioner

Versus

UNION OF INDIA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Devansh Khanna, Advocate
for the petitioner.

Ms. Neha Sharma, Advocate
Senior Panel Counsel
for respondents No.1 to 3-UOI.

Mr. Kanav Singla, AAG, Punjab
for respondent No.4.

SUVIR SEHGAL, J. (ORAL)

1. Grievance of the petitioner is that he has not been issued a Police Clearance Certificate due to pendency of a criminal case against him.
2. Counsel submits that petitioner has a valid passport, Annexure P-3, which is expiring on 13.06.2026. He states that petitioner's wife is working in New Zealand and that he wants to apply for a work visa to be with her. When he applied for a Police Clearance Certificate (PCC), in furtherance of a visa programme, it was denied as petitioner was named as an accused in two criminal cases registered against him, as is apparent from status report dated



14.02.2025, Annexure P-5. Counsel states that both the criminal cases were registered against petitioner on the allegation of violation of the prohibitory orders passed during COVID. He states that insofar FIR No.56 dated 13.04.2020, lodged under Section 188 of IPC is concerned, petitioner was convicted and was ordered to be released on probation on furnishing of personal probation bond to the extent of Rs.10,000/- for a period of six months vide judgment dated 11.01.2021, Annexure P-6. He points out that insofar as the second case, that is, FIR No.133 dated 27.07.2020, which has been lodged for offences under the Punjab Excise Act, 1914, Disaster Management Act, 2005, Epidemic Diseases Act, 1897, as well as for various offences under the IPC is concerned, trial is ongoing. Counsel states that the allegation against petitioner is that he was consuming liquor in a hotel during the pandemic and petitioner has been released on bail by the Magistrate. Counsel asserts that petitioner's involvement in criminal cases cannot be an obstacle in issuance of PCC.

3. Upon notice, petition has been contested by respondent No.4 by filing a reply, wherein it has been stated that the petitioner confessed to the offence in FIR No.56 dated 13.04.2020. He did not opt for a trial. He was convicted by the trial Court and was released on probation. Insofar as the second criminal case is concerned, it has been stated that petitioner along with seven other persons have been arraigned as an accused for violating the orders passed by the District Magistrate. Upon completion of the investigation, challan has been presented and the proceedings are pending for prosecution



evidence. State counsel has contended that the petitioner's presence is required in the second criminal case. A contention has been raised that petitioner does not enjoy clean antecedents and the clearance certificate cannot be issued.

4. I have heard counsel for the parties and considered their respective submissions besides examining the documents placed on record.

5. In **Amandeep Singh Bedi V/s. Union of India and another, 2024 SCC Online Del 7039**, while dealing with a similar issue, Delhi High Court has been observed as under:-

“9. The Court has carefully considered the circumstances of this case. Issuance of a PCC is a miscellaneous service, as defined in Rule 2(d)(iv) of the Passport Rules, 1980, issued by the Passport authorities to confirm the absence of criminal antecedents, primarily for the purpose of long-term visa and immigration requests. The requirement for such PCC stems from the Visa requirements of the country where the applicant intends to travel. Thus, even though the PCC is not strictly governed by the Passport Act, 1967, or the Passport Rules, 1980, it finds mention as a miscellaneous service to assist Indian nationals who are required to comply with specific requirements of the immigration authorities of foreign countries. The purpose of the PCC is that it indicates that the applicant does not have a criminal record, essentially serving as an assurance by the State to a foreign country that the applicant is not involved in any ongoing criminal proceedings. However, the Regional Passport Office can only issue a PCC if it receives a ‘Clear’ Police Verification Report from the relevant authorities.”

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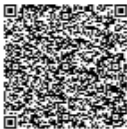
“15. While it is acknowledged that adverse information exists against the Petitioner, it is equally relevant to note that his passport was renewed in 2019



for a decade. This renewal signifies that the Passport Authorities did not find any reason at that time to deny him travel privileges. It would be inconsistent for the same authorities to now refuse to issue a PCC solely on the basis of the pending FIRs. The issuance of the PCC will neither impact the ongoing criminal proceedings nor confer any undue advantage upon the Petitioner. The primary role of a PCC is to ensure transparency about an individual's background, not to impose blanket restrictions on the basis of pending cases. Moreover, the Petitioner's right to work and freedom of movement, must not be unjustly restricted solely on the existence of these FIRs.

16. In light of these considerations, the Court finds that the rights and interests of the Petitioner must be balanced with Respondents' obligation as a sovereign. The Respondents are thus directed to issue a PCC to the Petitioner explicitly mentioning the pending criminal case against him as well as the fact that the Petitioner has complied with the RPFC's order by making the required deposit. This would provide complete transparency to the Canadian authorities for their assessment of his Visa application. The prescribed PCC application as per the Passport Rules, 1980 be modified accordingly. The PCC shall be issued in two weeks' time from today."

6. Coming to the facts of the present case, insofar as the first criminal case is concerned, petitioner was convicted and ordered to be released on probation vide judgment, Annexure P-6 and probation period is over. Petitioner has maintained peace and good behaviour during the period of six months. Section 12 of the Probation of Offenders Act, 1958, (for short "the 1958 Act") provides that notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of Section 3 or 4 of the 1958 Act, shall not suffer disqualification, if any, attached to a



conviction for an offence under such law, subject to the proviso laid down in the statute. Once the petitioner was released on probation, benefit of Section 12 of the 1958 Act deserves to be extended to him, and his conviction cannot be treated as a disqualification for any purpose, particularly, for issuance of a PCC.

7. Insofar as the second criminal case is concerned, it is pending before the trial Court. Till the time the trial does not conclude, petitioner can only be described as an accused. Merely because petitioner is facing criminal prosecution, cannot be a sufficient ground to deny PCC, which can be issued by explicitly mentioning the details of criminal cases as has been held in *Amandeep Singh Bedi's* case (supra).

8. For the reasons recorded above, competent authority is directed to re-examine the matter and issue a PCC to petitioner by incorporating the factum of release on probation as well as pendency of a criminal case. Needful be done within a period of one month, from the date of communication of a copy of this order.

9. Writ petition is disposed of.

(SUVIR SEHGAL)
JUDGE

30.01.2026
parul verma

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No