



CWP-2899-2025 (O&M)

-1-

213

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

**CWP-2899-2025 (O&M)
Date of Decision: 08.04.2025**

Jagdish Singh through General Power of Attorney Mohan Singh

....Petitioner

Versus

The Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGERPresent : Mr. Hasrat Brar, Advocate
for the petitioner.Ms. Gurneet Sagoo, Advocate
for respondents No.1 and 2/Union of India.

Mr. Nirmaljit Singh Diwana, Senior D.A.G., Punjab.

HARSH BUNGER, J. (Oral)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Mandamus to direct the respondents/Police Authorities to issue Police Clearance Certificate/NOC for the purpose of re-issuance of passport of the petitioner.

2. In compliance of order dated 24.03.2025, a status report dated 07.04.2025 by way of an affidavit of Jyoti Yadav, IPS, Senior Superintendent of Police, Police District Khanna, on behalf of respondents No.3 and 4 has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions. The relevant extract of which reads as under:

“(ii) That as per the report during investigation, one Varinderpreet Singh, son of Darsan Singh, resident of Birkalan, submitted an application No. 207-P dated 31-01-2018, before



CWP-2899-2025 (O&M)

-2-

the then Senior Superintendent of Police, Khanna for cancellation of the abovementioned FIR no.15 (Supra). The investigation into the said application was conducted by the then Superintendent of Police (H), Khanna. Upon investigation, it was found that the dispute between the parties was essentially civil in nature and related to possession over the land in question. No theft of bricks or forcible possession could be substantiated during the investigation. Statements of witnesses recorded during the inquiry also did not corroborate the allegations of criminal trespass or theft. Further, the record reflected that the complainant and the accused had already been involved in litigation over the same land for many years. It was thus concluded that no cognizable offence under Sections 447, 511, or 379 IPC was made out, and the case arose out of a property dispute which is already sub-judice before the Court of Competent Jurisdiction. Accordingly, it was recommended by the investigating officer to direct the S.H.O., Doraha, to prepare the cancellation report.

(iii) That the abovementioned report was approved by the then Superintendent of Police, Khanna, and the cancellation report was prepared on 11-08-2018. However, as per the report of Deputy Superintendent of Police, Payal, the cancellation report regarding FIR no.15 (Supra) was presented before the Court of the learned Sub-Divisional Judicial Magistrate, Payal, on 29-03-2025. On the said date, the complainant Tejinder Singh also appeared and his statement was duly recorded. The case has been adjourned to 19-04-2025 for filing of protest petition, if any.

3. That it is respectfully submitted that the notices have been served upon to the concerned police officials as to why the cancellation report, though prepared in the year 2018, was not presented before the concerned Court within a reasonable time and for this unexplained lapse, it is under consideration as to why departmental action should not be initiated against them. However, before proceeding further, the said officials have been



CWP-2899-2025 (O&M)

-3-

afforded an opportunity to submit their explanation. It is respectfully submitted that upon receipt and consideration of replies of the concerned officials, appropriate action shall be taken in accordance with law against the erring officials as per applicable service rules.”

3. Learned counsel for the petitioner submits that keeping in view the aforesaid status report, the case of petitioner herein is squarely covered by the judgment passed by a co-ordinate Bench of this Court in “***Mohan Lal @ Mohna Vs. Union of India and others***”, 2023 (3) RCR (Civil) 772.

4. Learned counsel appearing for respondents No.1 and 2/Union of India does not dispute the aforesaid position and submits that considering the aforesaid status report, the case of petitioner for issuance of the passport would be considered by the concerned authority in the light of decision rendered in ***Mohan Lal @ Mohna’s*** case (supra) and a final decision on the application for issuance of passport shall be taken within a period of six weeks from today.

5. Keeping in view the aforesaid submissions made by learned counsel for the parties, the instant writ petition is disposed of with a direction to respondents No.1 and 2/concerned authority to consider and decide the application for issuance of passport submitted by the petitioner in the light of judgment rendered by a co-ordinate Bench of this Court in ***Mohan Lal @ Mohna’s*** case (supra) within a period of six weeks from today.

6. All pending application(s), if any, shall also stand closed.

08.04.2025

Himani

**(HARSH BUNGER)
JUDGE**

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