

Annexure P-3 earlier, had at a subsequent stage, opined that there was no point in wasting funds, I find no impropriety, whatsoever, in his observations. He did exactly what would have appealed to any reasonable person. The criticism made by the counsel for the petitioner and the contention raised in paragraph 14 of the petition is, I think wholly unwarranted.

(9) I, therefore, dismiss this petition with costs. The costs shall be payable equally to respondents No. 1 to 3 and respondent No. 4. The costs are assessed at Rs 2,000.

J.S.T.

Before : S. S. Sodhi & Ashok Bhan, JJ.

AMARJIT SINGH,—Petitioner.

versus

UNION OF INDIA AND ANOTHER.—Respondents.

Civil Writ Petition No. 2740 of 1991.

14th August, 1991.

*Constitution of India, 1950—Art. 226—Passport—Entitlement of—Antecedents of petitioner—Report of S.S.P. showing seven criminal cases registered against petitioner—Conviction, however, recorded only in one case—Other cases either withdrawn, filed or showing acquittal—Report further alleging him to be Naxalite Activist but without any material to form such opinion—Refusal of passport on such antecedents—Held, unjustified—Direction given to R.P.O. to grant passport within three months.*

Held, that denial of passport to the petitioner on the ground that his antecedents were not good cannot indeed be sustained. Accordingly, in the circumstances of the case, we hold that no justification exists for refusing a passport to him on the ground of his antecedents. The Regional Passport Officer is directed to grant to the petitioner the passport applied for within three months from the date of this judgment.

(Paras 1, 3 & 4)

Writ Petition under Article 226 of the Constitution of India praying that:—

(a) record of the case be summoned;

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- (ii) *an appropriate writ, order or direction directing the respondents to issue passport to the petitioner for which the petitioner applied about a year ago on 27th March, 1990, be issued;*
- (iii) *any other writ, order or direction which this Hon'ble Court may deem fit in the circumstances of the case, in favour of the petitioner, be issued;*
- (iv) *condition of service of advance notice to the respondents be dispensed with;*
- (v) *condition of filing the certified copies of Annexures P-1 and P-2 be dispensed with; and*
- (vi) *costs of the writ petition be awarded in favour of the petitioner and against the respondents.*

*It is further prayed that any other relief which this Hon'ble Court may deem fit and proper in the circumstances of the case in favour of the petitioner, be awarded.*

K. S. Brar, Advocate, for the Petitioner.

H. S. Riar, Addl. A.G. Punjab, for the State.

Ashutosh Mohunta, Advocate, for respondent No. 2.

#### JUDGMENT

(1) Denial of passport to the petitioner Amarjit Singh on the ground that his antecedents were not good, cannot indeed be sustained.

(2) A reference to the record shows that the petitioner, who had applied for passport, was denied it on the ground that as per the report of the Senior Superintendent of Police, Sangrur, his antecedents disentitled him to it. This report of the Senior Superintendent of Police, Sangrur, which has now been placed on record, shows that though there were as many as seven criminal cases registered against the petitioner, the only case in which a conviction was recorded against him, was one under Section 457 read with Section 380 of the Indian Penal Code, pertaining to the year 1971. He was sentenced to four month's rigorous imprisonment thereunder. All the other cases registered against him, therefore, were either withdrawn filed as untraced, or those where he was acquitted. The last

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case registered against him being of the year 1984. Further, the report said that the petitioner had been a Naxalite Activist. No material has, however, been placed before us to show the basis for such opinion.

(3) Such being the circumstances, we cannot, but hold that no justification exists for refusing a passport to the petitioner on the ground of his antecedents.

(4) Let a copy of the report of the Senior Superintendent of Police, Sangrur be forwarded to the Regional Passport Officer, who, in turn is hereby directed to grant to the petitioner the passport applied for within three months from today.

(5) This writ petition is accordingly accepted with costs. Counsel fee Rs. 500.

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*J.S.T.*

*Before : J. S. Sekhon & S. S. Rathor, JJ.*

STATE OF PUNJAB,—Appellant.

*versus*

AMAR SINGH,—Respondent.

*Criminal Appeal No. 98-DBA of 1986.*

3rd September, 1991.

*Code of Criminal Procedure, 1973 (II of 1974)—S. 167(5)—Investigation in summons case not concluded within a period of six months from date of arrest—No permission taken from court for extending period of investigation—Evidence collected beyond period of six months rendered inadmissible—But not evidence collected prior to expiry of six months—Violation of provisions of S. 167(5) does not result in vitiating entire trial.*

*Held, that the legislature in its wisdom has barred the continuation of the investigation after the expiry of period of six months from the date of arrest of the accused. There is no indication, direct or indirect therefrom that the investigation already conducted within the period of six months would also stand vitiated or that the continuation of the investigation beyond the period of six months in summons cases would vitiate the entire trial or result in acquittal of the accused. In other words, it can be well-said that the evidence*