

Serial No.17
Regular cause list

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

...
WP(C) No.1221/2025

Ghulam Mohammad Dar

.....Petitioner(s)

Through:
Mr. H. Suhail Ishtiyah, Advocate.

Versus

Union of India and Another.

.....Respondent(s)

Through:
Mr. T. M. Shamsi, DSGI.

CORAM:
HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE
ORDER
29.06.2026

By way of the instant petition, the petitioner seeks a direction upon the respondents to process his application for issuance of a passport to enable him to perform the Umrah pilgrimage.

Factual Matrix:

1. The petitioner, aged about 79 years, desired to perform Umrah submitted an online application for issuance of a passport before respondent No. 2 on 24.01.2024, but despite the lapse of considerable time, no final decision has been taken on the said application.
2. The petitioner has been arraigned as an accused in FIR No. 303/2000 registered at Police Station Sadar for commission of

offences punishable under Section 212 of the Ranbir Penal Code. However, the petitioner was acquitted of all the charges by the learned Chief Judicial Magistrate, Budgam, vide judgment dated 30.04.2002.

3. The petitioner was also arraigned as an accused in FIR No. 13/2002 registered at Police Station Hazrat Nizamuddin, New Delhi, for offences punishable under Sections 120-B, 121-A and 122 of the Indian Penal Code read with Sections 3 and 22 of the Prevention of Terrorism Act, 2002. He was convicted and sentenced to imprisonment for life by the learned Additional Sessions Judge-01, Saket Courts, New Delhi, vide judgment dated 24.12.2010. Aggrieved thereof, the petitioner preferred an appeal before the High Court of Delhi, whereby his sentence was reduced to eight years' imprisonment. It is submitted that the petitioner has already undergone the said sentence and was released from custody in the year 2012. Since he had already undergone the period of incarceration, he did not challenge the judgment of the High Court of Delhi before any higher forum.
4. Learned counsel for the petitioner submits that in terms of Section 6(2)(e) of the Passports Act, 1967, a passport may be refused only where the applicant has, within five years immediately preceding the date of the application, been convicted of an offence involving moral turpitude and sentenced to imprisonment for not less than two years. It is contended that the petitioner's application deserves to be considered in the light of the said statutory provision,

particularly when no adverse material, criminal case or FIR has been registered against him since his release in the year 2012.

5. Per contra in the reply filed by respondent Nos. 1 and 2 it is stated therein that the petitioner's application was processed and a pre-police verification report was sought. However, the passport verification report received from the CID, Jammu and Kashmir, was marked as "Not Recommended" for issuance of a passport. The reply filed on behalf of the CID also refers to the petitioner's earlier conviction and other relevant aspects while recommending against issuance of the passport.
6. Heard learned counsel for the parties, perused the record and considered the matter.
7. Learned counsel for the petitioner submits that the petitioner has approached this Court only for the limited purpose of obtaining a passport to enable him to perform the Umrah pilgrimage. He further submits that the petitioner would feel satisfied if the respondents are directed to reconsider his application by taking into account the mandate of Section 6(2)(e) of the Passports Act, 1967.
8. Mr. Shamsi, learned DSGI appearing for the respondents, submits that the petitioner's application can be considered only after due verification by respondent No. 3.
9. Having regard to the submissions made by learned counsel for the parties, and without expressing any opinion on the merits of the case, the instant petition is disposed of with a direction to respondent Nos. 1 to 3 to consider the petitioner's claim for

issuance of a passport strictly in accordance with the provisions of the Passports Act, 1967, more particularly Section 6(2)(e) thereof, after due verification and in accordance with law strictly for the purpose of performing Umrah/Hajj as prayed by the petitioner in this petition

10. . The aforesaid exercise shall be completed within a period of four weeks from the date a copy of this order is made available to the respondents.
11. Disposed of.

(MOKSHA KHAJURIA KAZMI)
JUDGE

Srinagar
29.06.2026
"Shaista"

