

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**LPA No.925 of 2025 a/w LPA
No.123 of 2026**

Date of Decision:- 08.07.2026

LPA No.923 of 2025

Union of India and another **....Appellants**

Versus

Kanishk Swaroop and another **....Respondent**

LPA No.123 of 2026

Union of India and Others **....Appellants**

Versus

Vikramaditya Singh and another **....Respondent**

Coram

***The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice
The Hon'ble Mr. Justice Bipin Chander Negi, Judge.***

Whether approved for reporting?¹

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| For the Appellants | : | Mr. Lokender Paul Thakur, Senior Panel Counsel, for the appellant(s) in both the appeals. |
| For the Respondents | : | Mr. Sambhav Bhasin, Advocate, for respondent No.1 in LPA No.925 of 2025. |
| | : | Ms. Srishti Chauhan, Advocate, for respondent No.1 in LPA No.123 of 2026. |

¹ Whether reporters of Local Papers may be allowed to see the judgment?

: Ms. Priyanka Chauhan, Deputy Advocate General, for respondent(s) No.2-State, in both the appeals.

G.S. Sandhawalia, Chief Justice (Oral)

These appeals are directed against the orders passed by the learned Single Judge in CWP No.11127 of 2025 (***Kanishk Swaroop Vs. Union of India and Others***) dated 06.08.2025 (in LPA No.925 of 2025) and CWP No.9259 of 2025 (***Vikramaditya Singh Vs. Union of India and Others***) dated 25.06.2025 (in LPA No.123 of 2026). In the later order, the learned Single Judge had followed his earlier view, holding out that the Passport Authorities' decision not to renew the passports, was unjustified.

2. Resultantly, in both cases, the orders dated 21.04.2025 and 26.05.2025 were quashed, and directions were issued to the Passport Officer to renew the petitioners' passports in accordance with the law. It was clarified that as far as traveling abroad on the basis of the renewed passport is concerned, it would naturally be subject to any conditions imposed by any Court upon the petitioner due to the pendency of criminal proceedings.

3. The dispute had primarily arisen on account of the pending criminal proceedings before the Trial Courts and as such, the Passport Authorities had come to the conclusion that there was an adverse police verification report, and directed that the Court's permission be furnished to depart from India.

4. Reference was also made to the notification dated 25.08.1993 in this regard by the Passport Authorities. Accordingly, the learned Single Judge had allowed the writ petitions by directing that the prayers of the petitioners were only for the renewal of the passport(s), and it was not coupled with permission to travel abroad, as of today.

5. Counsel for the appellants-Union of India has very fairly referred to the judgment of the Apex Court where the notification in question dated 25.08.1993 was the subject matter of consideration in ***Mahesh Kumar Agarwal Vs. Union of India and Another***, 2025 INSC 1476, wherein the orders passed by the Single Bench and the Division Bench of the High Court were set aside. The Apex Court has held that the provisions of Section 6(2)(f) of the Passports Act do not act as an absolute bar to passport renewal as long as criminal proceedings are pending. However, the authority of the Courts to lay down, vary, strengthen, or relax bail conditions including those relating to

foreign travel in accordance with the law was highlighted. It was held that an ordinary passport must be re-issued to the appellant for the normal ten years period from the date of issue, subject to compliance with standard procedural requirements. Furthermore, the passport so issued shall remain subject to all existing and future orders, including the specific conditions that the appellant shall not leave India without prior permission from the concerned court and must deposit the passport with that Court as and when so directed. The relevant portion reads as under:-

“25. In the light of the above discussion, we are unable to sustain the approach adopted by the learned Single Judge and the Division Bench. Both have treated Section 6(2)(f) as an absolute bar so long as any criminal proceeding is pending, without giving full effect to the statutory exemption mechanism under Section 22 and GSR 570(E), and without adequately appreciating that the criminal courts actually dealing with the appellant’s cases have consciously permitted renewal while retaining stringent control over any foreign travel. They have, in effect, converted a qualified restriction, designed to secure the presence of an accused, into a near-permanent disability to hold a valid passport, even where the criminal courts themselves do not consider such a disability necessary.

26. We clarify that our conclusions are confined to the legal interplay between Sections 5, 6, 7, 8, 9, 10 and 22 of the Passports Act, GSR 570(E) and the OM dated 10.10.2019, on the facts of the present case. We express no opinion on the merits of the criminal proceedings pending before the NIA Court, Ranchi, or on the appeal

pending before the Delhi High Court, nor do we dilute in any manner the power of those courts to vary, strengthen or relax the conditions of bail, including conditions relating to travel abroad, in accordance with law.

27. It is needless to observe that nothing in this judgment curtails the powers of the passport authority under Section 10 of the Passports Act. If any future order of a competent court, or any subsequent development, requires impounding or revocation of the appellant's passport, it shall be open to the authority to act in accordance with Section 10 and other applicable provisions. Equally, if the appellant violates any condition imposed by the NIA Court, Ranchi, or the Delhi High Court, it will be open to those courts to take such steps, including modification of bail and recall of permissions, as may be warranted.

28. In the result, the appeal is allowed.

29. The judgment and order dated 04.04.2025 passed by the Division Bench of the High Court at Calcutta in APOT No. 215 of 2024, as well as the judgment and order dated 15.05.2024 passed by the learned Single Judge in WPO No. 352 of 2024, are set aside.

30. The respondents are directed to re-issue an ordinary passport to the appellant for the normal period of ten years from the date of issue, subject to compliance with the usual procedural requirements, within a period of four weeks from the date of production of a copy of this judgment before the RPO, Kolkata. The passport so issued shall remain subject to all existing and future orders passed by the NIA Court, Ranchi, and the Delhi High Court, including, in particular, the conditions that the appellant shall not leave India without prior permission of the court concerned and shall deposit the passport in that court as and when so directed.

31. All pending interlocutory applications stand disposed of."

6. Resultantly, the present appeals stand disposed of, as these are covered by the observations of the Apex Court, as noticed above.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

8th July, 2026

(Munish Thakur)