

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

CRM-M-20525-2022 (O&M)

Date of decision : 02.06.2022

Nitish Bhardwaj

..... Petitioner

versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rakesh Dhiman, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Ms. Shweta Nahata, Advocate
for respondent No.2-UI.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court for quashing the impugned order dated 22.04.2022 wherein learned Additional Sessions Judge, Gurugram has declined the application filed by the petitioner for seeking permission for the renewal of the passport.

Reply by way of affidavit of Ashok Kumar, HPS, Assistant Commissioner of Police, Old Gurugram filed by learned State counsel is taken on record.

It has been contended by learned counsel for the petitioner that the petitioner is an accused in FIR No.323 dated 31.07.2021, under Sections 376(2)(n), 506 and 34 of IPC, registered at Police Station Sector-5, District Gurugram. He contends that petitioner is to appear in the exam, the schedule of which is annexed as Annexure P-4 i.e. Exam Section FAR. He contends that as per the requirement of the exam as given in Annexure P-4 in the sub-heading of International Test Center Candidates, candidates must bring to the appointment a valid, non-expired passport

meeting specific country issuance criteria. Learned counsel submits that the petitioner applied for permission to get the renewal of his passport by way of filing the application which is appended as Annexure P-1 dated 18.04.2022. He submits that the Regional Passport Office vide its order dated 4th May, 2022, declined to renew passport of the petitioner on the ground that there is a criminal pending against the petitioner. He submits that for the same, the petitioner was asked to produce the NOC from the concerned Court for the renewal of his passport. He has submitted that he duly filed application before the trial Court for granting the NOC, however, the same was declined by the learned Court by virtue of passing the impugned order dated 22nd April, 2022. He has submitted that the petitioner at this stage, does not require renewal of passport for travelling abroad. However, the same is required for appearing in the concerned exam which would be held in India itself and the requirement of the renewed passport is one of the essential conditions. He has relied upon the judgments of this Court titled as Harpreet Singh Vs. State of Punjab, 2010(9) RCR (Criminal) 498 and Harvinder Singh Bajwa Vs. Union of India and others, 2021(1) RCR(Civil) 103 and hence, prayed for setting aside the same and directing the passport authorities for renewal of his passport.

Learned counsel for the respondent has fairly contended that in view of GSR 570(E) dated 25th August, 1993, the petitioner is required to get the NOC from the competent Court where the case is pending. She has not disputed the judicial precedent relied upon by learned counsel for the petitioner. She has fairly submitted that the Court concerned is competent to grant NOC in accordance with GSR dated 25th August,

1993.

I have heard learned counsel for the parties and perused the records.

Petitioner has to approach the same Court for the renewal of the passport which is one of the essential conditions for appearing in the same. As per the submissions made by counsel for the respondent, the Court concerned is competent to grant the NOC. In view of the submissions made and perusal of the record, this Court is of the opinion that the learned Additional Sessions Judge has fallen in error in declining the request made by the petitioner and thus, impugned order dated 22nd April, 2022 is *set aside*. The petitioner is directed to approach the Court of learned Additional Sessions Judge, Gurugram who would take into consideration the submissions made by the parties and decide his application afresh. It is being clarified that the renewal of the passport at this stage is only for the purpose of requirement of the petitioner to appear in the said exam. However, the same would not be deemed to the grant of permission to the petitioner to travel abroad.

The petition is disposed of with a direction to the Court concerned to decide his application within two weeks from today.

02.06.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No