



\$~96

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1527/2024, CRL.M.A. 14880/2024**

HARPREET SINGH Petitioner
Through: **Mr. Gurjit Singh, Advocate.**

versus

UNION OF INDIA Respondent
Through: **Ms. Nidhi Raman, CGSC with Mr. Yesh Yadav and Ms. Pinky Pawar, Govt. Pleader for UOI.**
Mr. Sanjeev Bhandari, ASC with Ms. Anvita Bhandari, Mr. Kunal Mittal, Ms. Charu Sharma, Mr. Arjit Sharma and Mr. Vaibhav Vats, Advocates alongwith Insp. Deepak, P.S. Cyber, West District.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
15.05.2024

%

1. By way of present petition filed under Article 226 read with Section 482 Cr.P.C., petitioner seeks directions for renewal of his passport for a period of 10 years.
2. The Petitioner claims that the matter is still at the stage of investigation during which he sought renewal of his passport which was renewed only for a period of one year. Learned counsel states that despite the fact that the petitioner was granted No Objection, the Trial Court has not specified the period for which the passport is to be renewed which therefore led the passport authority to renew the passport for a period of one year only



in terms of Gazette Notification dated 25.08.1993 issued by Govt. of India.

3. Issue notice.
4. Ms. Raman, learned CGSC for Union of India accepts notice.
5. Notably, the petitioner is an accused in FIR No. 435/2021 registered under Sections 419/420/120B/34 IPC & Sections 66C/66D of the IT Act at P.S. Moti Nagar. The issue as to whether on an application received for No Objection, the concerned Court has to specify the period for which the passport is to be renewed, is no longer *res integra* in terms of the decision in Ashok Kumar Gupta v. Union of India & Anr. In the said case, the Court was seized with the similar issue where the petitioner had applied for renewal of passport for a period of 10 years, the same in absence of any clear period of No Objection by the concerned Trial Court was renewed only for a period of three years. In Kunal Minda v. Union of India & Ors. passed in **W.P.(C) 11782/2022**, the Coordinate Bench of this Court has held as under :-

“Kunal Minda v. Union of India and Ors., W.P.(C) 15664/2022 6. The matter has been heard. A perusal of the judgement in Deepak Jain (supra) shows that the ld. Single Judge of this Court has already taken a view in the matter after considering the judgement in Narender K. Ambwani (supra) as also the decision in Prashant Bhushan (supra). After considering the said decisions as also the notification dated 25th August, 1993 passed by the Government of India, the Court came to the following conclusion:

“10. It is apparent from the language of the notification dated 25.08.1993 – which is not under challenge in these proceedings – that if no period for issue of the passport or approval is specified, the passport would be issued for a period of one year. Admittedly, the Passport Rules, 1980 provide that the



period of validity of a passport shall be ten years. The reference to Rules by the Trial Court should in normal circumstances also mean the same as held by the Bombay High Court in Narendra K. Ambwani v. Union of India & Ors.: Civil Writ Petition No.361/2014, decided on 13.03.2014. However, the decision in Prashant Bhushan v. Union of India & Anr.: 2016 (154) DRJ 385 (DB) is clear in this regard. Thus, it would be necessary for the applicant to seek orders for expressly indicating the period for which a passport can be issued. In view of the above, the present petition is disposed of by granting liberty to the petitioner to approach the concerned Court for necessary clarification. In the event, the Trial Court indicates that it has no objection for issuance of the passport for the full term as provided under the Passport Rules, 1980, the petitioner would be at liberty to make a fresh application for renewal of the passport and it would be processed, accordingly.”

7. In the present case , it is noticed that the ld. MM’s order does not specify the period for which the passport is to be renewed. It merely states that the NOC is granted for renewal of the passport. In line with the above decision, the Petitioner is permitted to approach the concerned MM for seeking clarification as to the period for which the passport can be renewed. 8. Upon the said order being passed by the ld. MM, the Petitioner is free to make a fresh application for renewal of the passport along with the copy of the ld. MM’s order of clarification and any other authorities in an expeditious manner.”

Arun Kumar Gupta @ Arun Ramavtar Guupta v. Union of India, W.P.(C) 11782/2022

“8. Insofar as the renewal of Passport is concerned, the legal position in respect thereof is clear as has been laid down by a Division Bench of this Court vide order dated 7th January,



2016 in Prashant Bhushan vs. Union of India & Anr., 2016 SCC OnLine Del 79 and vide order dated 8th October, 2018 in Deepak Jain vs. Union of India & Anr., 2018 SCC OnLine Del 11767. In the decision of Deepak Jain (supra), the learned Single Judge of this court had considered the notification dated 25th August, 1993 under Section 6(2)(f) of the Passport Act, 1967 and has observed that if the order of the trial court does not mention the period for which the passport can be renewed, it shall be only renewed for a period of one year in terms of the 1993 notification. However, if the passport applicant wishes to seek a passport renewal for a period of ten years, a specific order to the said effect would have to be obtained from the Trial Court.

XXXXX

XXXXX

XXXXX

9. This decision in Deepak Jain (supra) has also been reiterated by this Court in order dated 19th December, 2022 of W.P. (C) 15774/2022 titled Kunal Minda v. Union of India and Anr.

10. In view of the above legal position, the prayer of the petitioner for renewal of passport for a period of ten years can only be granted if the concerned Trial Court in Gujarat clarifies or gives permission to the said effect.

11. Accordingly, the petitioner is permitted to approach the concerned Trial Court in Ahmedabad or the Gujarat High Court, as he may be advised, which imposed/modified the conditions on 23rd August, 2019/11th April 2022 and seek a clarification for renewal of his passport for a period of ten years. If a clarification is issued by the concerned court, the same may be submitted to the passport authority, after which the application for renewal of passport shall be processed in accordance with law.”

6. Keeping in view the import of the aforesaid decisions as well as Arun Kumar Gupta @ Arun Ramavtar Gupta v. Union of India, the matter is



remanded back to the concerned Court to pass a fresh order in manner specifying the period for which the password is to be renewed.

7. Writ petition is disposed of in the above terms alongwith miscellaneous application.

Dasti.

MANOJ KUMAR OHRI, J

MAY 15, 2024

ga