

CRM-M-21499-2025

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

Sr. No.206

CRM-M-21499-2025

Date of Decision: 06.08.2025

Surinder Kumar Berry alias Surinder Kumar Beri

.... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

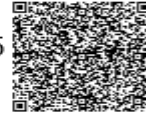
Present: Mr. Mandeep Singh Gill, Advocate
for the petitioner.

Ms. Arundhati Kulshreshtha, Assistant Advocate General, Punjab

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking quashing of order dated 05.03.2025, Annexure P-5, passed by Special Judge, Ludhiana, denying the permission for renewal of the petitioners' passport bearing no. N2215803.

2. As per facts on the record, the petitioner was nominated as an accused in FIR No. 11 dated 16.08.2022 registered under Sections 420, 409, 467, 468, 471, 120-B of IPC, 1860 and Sections 7, 7-A, 8, 12, 13(2) of the Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau, Ludhiana. After presentation of challan/final report, the case is pending trial before the Special Judge. It is claimed that the petitioner has a valid passport, which has been issued on 18.08.2015 and is expiring on 17.08.2025, as apparent from a photocopy of the passport, Annexure P-8. Based on that, he has been issued multiple category Visa by Canada bearing No. E733004115. When the petitioner sought renewal of the

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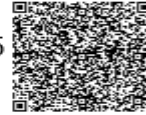
passport by making appropriate application, it was not renewed and a communication dated 11.03.2025, Annexure P-3, was sent asking him to seek permission from the Court concerned for issuance of passport in terms of Government Notification dated 25.08.1993. It requires that an applicant may be exempted from operation of Section 6(2)(f) of the Passport Act, 1967, only if trial Court permits him/her to depart from India. Accordingly, the petitioner moved an application dated 11.02.2025, Annexure P-7, before the trial Court seeking permission for renewal of the passport. The application has been rejected, vide impugned order dated 05.03.2025, by referring to observations made by the Supreme Court in Special Leave to Appeal (Criminal) No. 2099/2024 that he is involved in a scam of approximately rupees 500 crores.

3. Learned counsel for the petitioner contends that the petitioner does not intend to travel out of country at this stage. He has sought renewal of passport only for the purpose of keeping his Visa alive, which is dependent upon his holding a valid passport. The trial Court, however, has dismissed the application without going into the issue.

4. Learned State counsel contends that the respondents have to abide by any order passed by the Court in the matter.

5. Heard.

6. It is not disputed that the petitioner's passport is going to expire on 17.08.2025, as also the fact that he has a valid multiple category Visa bearing No. E733004115 up to 16.08.2025. It has also not been disputed that in the event of expiry of his passport, his Visa would automatically expire. The petitioner does not intend to travel abroad, and has sought renewal of his passport only to keep his Visa alive, which is dependent upon his holding a valid passport. In these

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circumstances, the rejection of his application seeking permission for renewal of passport vide order dated 05.03.2025, is not sustainable as the same is not based upon consideration of relevant facts. Mere renewal of passport, without any permission to leave the country, will not make him a flight risk.

7. In view thereof, the instant petition is allowed and the impugned order, dated 05.03.2025, is set aside granting permission to the petitioner to get his passport renewed. It is also directed that he shall not leave the country without prior permission of the Court, and shall deposit his passport with the trial Court, within two working days of its getting renewed.

(TRIBHUVAN DAHIYA)
JUDGE

06.08.2025

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No