



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

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CWP-12198-2025 (O&M)
Date of decision: 03.07.2025

Anshuman Duggal

....Petitioner

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shubham Kaushik, Advocate
for the petitioner.

Ms. Gurmeet Sagoo, Advocate
for respondents No.1 to 3 – UOI.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition is for issuance of a writ in the nature of certiorari for setting-aside the order dated 03.04.2025 (Annexure P-1) passed by learned Additional Sessions Judge, Jind, whereby the petitioner was denied permission/no objection certificate for issuance of passport, in the case stemming from FIR No.399 dated 27.05.2016, under Sections 148, 149, 323, 506 IPC at Police Station City Jind (Annexure P-2).

2. Learned counsel for the petitioner, *inter alia*, contends that the application filed by the petitioner seeking permission/no objection certificate to the Regional Passport Office, Chandigarh, for issuance of passport to him, has been dismissed in a most cryptic fashion. No reasoning whatsoever has been provided by learned Additional Sessions Judge, Jind while dismissing the said application as indicated by the impugned order (Annexure P-1), which reads as follows:

*“Heard. The evidence of the prosecution has closed.
Learned PP for the State submitted that if the necessary
permission is granted then there is chances to fly away the*



accused from the country. Hence, the application in hand is hereby dismissed.”

3. Learned counsel for the petitioner further refers to the contents of the application dated 10.02.2025 and submits that the petitioner has specifically relied upon the Notification issued by Central Government bearing No.GSR 570 E dated 25.08.1993 as well as the Circular No.V.I/401/1/3/2014, issued by Ministry of External Affairs, CPV Division which make it mandatory to obtain an order granting permission/no objection certificate from the Court of competent jurisdiction, if criminal proceedings are pending against the applicant. He further contends that the right to travel abroad forms a part of right to life enshrined in Article 21 of the Constitution of India and the petitioner cannot be deprived of the same except by just, fair and reasonable procedure. Reliance in this regard is placed on the judgments rendered in ***Sumit Mehta vs. State of NCT of Delhi, 2013(15) SCC 570, Maneka Gandhi vs. Union of India, 1978(1) SCC 248*** and ***Satish Chander Verma vs. Union of India and others 2019 SCC (Online) SC 2048***.

4. *Per contra*, learned counsel for respondents No.1 to 3 as well as learned State counsel could not controvert the fact that the impugned order was passed in a mechanical manner without due application of judicial mind.

5. Having heard learned counsel for the parties and after perusal of the record, this Court finds merit in the arguments advanced by learned counsel for the petitioner. The petitioner had specifically relied upon the relevant guidelines issued by the Ministry of External Affairs as well as binding judicial precedents, yet the learned trial Court failed to consider or even refer to these materials while passing the impugned order. Such an omission reflects non-application of judicial mind and renders the order unsustainable.

6. The entire edifice of exercise of judicial or quasi-judicial power rests on the foundation of giving reasoned and detailed orders. It is a fundamental principle of natural justice and ensures that there is proper and due application of mind while exercising said power.



Therefore, the practice of arbitrarily denying permission for issuance must be discouraged. It is expedient that the competent Court does not act in a ritualistic fashion and ensures that application of mind is discernable. A two Judge bench of the Hon'ble Supreme Court in ***Y vs. State of Rajasthan (2022) 9 SCC 269***, speaking through Justice N.V. Ramana, observed as follows:

“Reasoning is the life blood of the judicial system. That every order must be reasoned is one of the fundamental tenets of our system. An unreasoned order suffers the vice of arbitrariness.”

A two Judge bench of the Hon'ble Supreme Court has clearly laid down in ***State of Orissa vs. Dhani Ram 2004(5) SCC 568*** that assigning reasons in an order is in the interest of justice and the accused is also entitled to know the reasons on which the decision of the Court has gone against him. This is a minimum requirement of natural justice and reasons are the heart beat of the judicial process. Speaking through Justice Arijit Pasayat, the following was held:

"7. Reason is the heartbeat of every conclusion, and without the same it becomes lifeless. (See Raj Kishore Jha v. State of Bihar and Ors. (2003 (7) Supreme 152).

8. Even in respect of administrative orders Lord Denning M.R. in Breen v. Amalgamated Engineering Union (1971 (1) All E.R. 1148) observed "The giving of reasons is one of the fundamentals of good administration". In Alexander Machinery (Dudley) Ltd. v. Crabtree (1974 ICR 120)(NIRC) it was observed: "Failure to give reasons amounts to denial of justice". Reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived at". Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the "inscrutable face of the sphinx", it can, by its silence, render it virtually impossible for the Courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system; reasons at least sufficient to indicate an application of mind to the matter before Court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made; in other words, a speaking out. The "inscrutable face of a sphinx" is ordinarily incongruous with a judicial or quasi-judicial performance."

7. Without commenting anything further on the controversy, the impugned order dated 03.04.2024 is set-aside and the present petition is disposed of with a direction to learned Additional Sessions Judge, Jind, to decide the application filed by petitioner afresh in the light of the Notification issued by Central Government bearing No.GSR



570 E dated 25.08.1993 and Circular No.V.I/401/1/3/2014, issued by Ministry of External Affairs, and the judgments of the Hon’ble Supreme Court in *Sumit Mehta’s case (supra)*, *Maneka Gandhi’s case (supra)* and *Satish Chander Verma’s case (supra)*, within a period of 06 weeks, from the date of receipt of certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

03.07.2025
yakub

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