

2025 PHHC:158528



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

**CM-8904-CWP-2025 in/and
CWP-20648-2024
Date of Decision: 30.10.2025**

Rakesh Kanwar

..... Petitioner

Versus

Regional Passport Officer, Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rajesh Garg, Senior Advocate assisted by
Ms. Ncha Matharoo, Advocate
for the applicant/petitioner.

Mr. Karan Kumar Jund, Senior Panel Counsel
for respondent No.1.

None for respondent No.2.

HARSH BUNGER J. (ORAL)

CM-8904-CWP-2025:

Prayer in the present application is for placing on record the order dated 26.05.2025 (Annexure A-1) passed by the learned Special Judge, CBI Court, Chandigarh.

For the reasons mentioned in the application, the order dated 26.05.2025 (Annexure A-1) passed by the learned Special Judge, CBI Court, Chandigarh, is taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CWP-20648-2024:

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for quashing the letter dated 13.08.2024 (Annexure P-9) issued by the Regional Passport Office, Chandigarh, to the petitioner.

1.1 A further prayer has been made for directing the respondent-Passport Authority to renew the petitioner's passport for the standard period of ten years, in accordance with the order dated 21.03.2024 (Annexure P-3) passed by the learned trial Court.

2. Briefly, the petitioner, a Chartered Accountant by profession, is one of the accused in a case pending before the learned Special Judge, CBI Court, Chandigarh, under Sections 420, 409, and 120-B of the Indian Penal Code, Section 13 of the Prevention of Corruption Act, 1988, and Sections 66, 66-C, 66-D and 43 of the Information Technology Act. His revision petition seeking discharge in the said case is pending before this Court in Criminal Revision No.259 of 2021, wherein interim protection from personal appearance before the trial Court was granted. Thereafter, the petitioner is stated to have undertaken professional trips to Canada after obtaining due permission from the trial Court.

2.1 Meanwhile, the petitioner's passport had expired, whereupon he moved an application (Annexure P-2) before the learned Trial Court seeking permission to renew it for a regular period of ten years. The learned Special Judge, CBI Court, allowed the request of the petitioner vide order dated 21.03.2024 (Annexure P-3). Acting upon that order, the petitioner applied to the respondent authority on 15.05.2024 for renewal of his passport, enclosing a copy of the court's order. However, the respondent, instead of processing the renewal, addressed a letter dated 20.05.2024 (Annexure P-5) to the Trial Court seeking clarification as to whether the permission granted

on 21.03.2024 should be construed as approval for a ten-year validity. The Trial Court, on its administrative side, vide communication dated 14.07.2024 (Annexure P-6), stated that since the judicial order did not specify any period, the passport may be renewed only for one year in accordance with Notification GSR 570(E) dated 25.08.1993.

2.2 The said administrative communication dated 14.07.2024 (Annexure P-6) was later quashed by this Court vide order dated 29.07.2024 (Annexure P-7) passed in CRM-M No.36022 of 2024, with liberty to the respondent to move the trial Court on the judicial side for appropriate clarification.

2.3 Thereafter, the respondent-Passport Authority renewed the passport of the petitioner only for one year vide letter dated 13.08.2024 (Annexure P-9). Aggrieved thereby, the petitioner has approached this Court by way of the present writ petition, seeking relief as noticed above.

3. Learned counsel for the petitioner contends that the order dated 21.03.2024 of the learned Special Judge had, in substance, allowed renewal of passport for the regular ten-year period sought in the application, and that the respondent was not competent to restrict its validity to one year. It is submitted that the order of the trial Court was clear and unconditional and, therefore, the renewal ought to have been for ten years. Counsel further relies upon judgments of the Hon'ble Supreme Court and the Bombay High Court, including "*Vangala Kasturi Rangacharyulu v. CBI*", 2021 SCC OnLine SC 3549, and "*Mr. Samip Nitin Ranjani vs. Union of India and ors.*" 2020 (3) AIR Bom. R459. It is argued that the action of the respondent is arbitrary and contrary to the fundamental right to travel abroad recognized in "*Maneka Gandhi v. Union of India*", (1978) 1 SCC 248.

4. Per contra, learned counsel for the respondent submits that the matter is squarely covered by clause (a)(ii) of the Government Notification GSR 570(E) dated 25.08.1993, issued under Section 22 of the Passports Act, 1967, which mandates that where no period for issue or travel is specified in the Court's order, the passport shall be issued for one year only. It is urged that the order dated 21.03.2024 of the learned Special Judge did not stipulate any specific period and, therefore, the respondent rightly limited the renewal to one year. It is further submitted that in compliance with this Court's earlier order dated 29.07.2024, the matter was duly placed before the trial Court, which by a detailed speaking order dated 26.05.2025 has dismissed the application of the petitioner seeking clarification, holding that since the judicial order of 21.03.2024 contained no mention of period, the renewal beyond one year was impermissible under the said notification. Accordingly, prayer for dismissal of writ petition was made.

5. Heard.

6. The learned Special Judge, CBI Court, vide order dated 21.03.2024 (Annexure P-3), allowed the petitioner's application seeking renewal of his passport but did not specify the duration of its validity. Acting upon the said order, the petitioner applied to the Regional Passport Office for renewal of his passport. However, since the order (Annexure P-3) was silent as to the period, the respondent- Passport Authority sought clarification from the trial Court. The trial Court, on its administrative side, vide communication dated 14.07.2024, conveyed that as no duration was mentioned in the judicial order, the passport should be renewed for one year only, in accordance with Notification GSR 570(E) dated 25.08.1993, issued under Section 22 of the Passports Act, 1967.

6.1 The petitioner challenged the said administrative communication before this Court by way of CRM-M No. 36022 of 2024, which was disposed of on 29.07.2024 (Annexure P-7), quashing the administrative communication while granting liberty to the respondent to move the trial Court for appropriate clarification on the judicial side.

6.2 Thereafter, the respondent-Passport Authority renewed the petitioner's passport only for one year vide the impugned letter dated 13.08.2024 (Annexure P-9)

7. During the pendency of the present writ petition, vide order dated 22.01.2025 of this Court, the petitioner was permitted to move an application before the learned Special Judge, CBI Court, Chandigarh, seeking clarification of the order dated 21.03.2024 (Annexure P-3) with regard to the period for which the passport could be renewed.

8. Pursuant thereto, the petitioner filed an application before the learned Special Judge, CBI Court, seeking clarification as to whether the earlier permission granted vide order dated 21.03.2024 (Annexure P-3) was to be construed as approval for a ten-year renewal. The learned Special Judge, upon considering the matter, passed an order dated 26.05.2025 (Annexure A-1), dismissing the petitioner's application for clarification and holding that since the earlier judicial order dated 21.03.2024 was silent on the period of renewal, accordingly, the instructions contained in Notification GSR 570(E) dated 25.08.1993, would apply.

9. Having considered the material placed on record, it is evident that the permission granted by the learned Special Judge on 21.03.2024 (Annexure P-3) was confined to allowing renewal of the passport and did not expressly specify the duration for which the passport was to be renewed.

The petitioner's contention that such permission should be treated as implied approval for a ten-year renewal cannot be accepted, since judicial orders must be construed strictly as recorded, and nothing can be added by implication. Once the order was silent on the duration, the statutory provision under Notification GSR 570(E) squarely applied. Clause (a)(ii) of the said notification clearly provides that where the Court's order does not specify any period, the passport shall be issued for one year. The respondent authority was, therefore, bound by this mandate and rightly limited the renewal to one year.

10. However, this Court cannot be oblivious of the fact that the petitioner would be entitled to apply for Visa after the passport is renewed and circumstances may arise that after applying for Visa, the petitioner may get an appointment for bio-metrics and/or the date for interview for Visa purposes in respect of a particular country (like U.S.A. etc.), which may extend over a period of three months or more, and in that eventuality, the renewal of passport for one year period may not be appropriate. In my considered view, it would be appropriate to direct that the petitioner's passport be renewed for a period of three years, which shall be subject to the following conditions:-

(i) *The petitioner herein shall submit an undertaking along with an affidavit before the trial Court concerned in the case wherein petitioner is facing trial, stating that he will not leave India during pendency of the said case without permission of the Court and that he will co-operate with trial Court in concluding the proceedings in the said case.*

(ii) *Upon preparation of the renewed passport, the petitioner shall deposit the original renewed passport before the trial Court where proceedings are pending in FIR/RC No. RCBD12016E0007 dated 08.08.2016, within a period of 10*

days from the date of receipt of passport by the petitioner;

(iii) However, liberty is granted to the petitioner herein to file an application before the concerned trial Court for seeking permission to travel aboard and it is for the concerned trial Court to consider the same in accordance with law.

11. The present writ petition is disposed of in the aforesaid terms and conditions.

12. All pending application(s), if any, shall also stand closed.

30.10.2025
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No