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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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LPA-3466-2025 (O&M)
Date of Decision :03.12.2025

Rakesh Kanwar

... Appellant

Versus

Regional Passport Officer, Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURIPresent: Mr. Rajesh Garg, Senior Advocate with
Ms. Neha Matharoo, & Mr. Mandeep Singh, Advocates
for the appellant.Mr. Karan Kumar Jund, Senior Panel Counsel
for respondent-UOI. (joined through V.C. keeping in view
advance copy served).

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to the impugned order dated 30.10.2025 passed by the learned Single Judge of this Court in CWP-20648-2024 by which, the duration for which the passport of the appellant should be renewed has been prescribed as 03 years.

2. Learned Senior counsel appearing for the appellant argues that keeping in view the facts and circumstances of the present case, the appellant was entitled for the grant of renewal of his passport for a period of 10 years, which claim of the appellant has not been allowed even though, his said claim is squarely covered by the Instructions dated 25.08.1993 (Annexure P/10) issued by the Government of India, which instructions have



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been interpreted by the Bombay High Court in ***2016 SCC Online Bom. 14539 titled as Samip Nitin Ranjani vs. Union of India and others.***

3. Certain facts need to be noticed for the correct appreciation of the issue in hand.

4. Appellant herein has been facing trial before CBI Court during the pendency of which period his passport expired and in order to get his passport renewed, the appellant approached the CBI Court praying for permission to get his passport renewed. The application for grant of said permission was filed by the appellant on 11.03.2024 and acting upon said application, order dated 21.03.2024 (Annexure P/3) was passed by the Special Judge, CBI Court. The operative part of the said order is as under:-

“As a result, there is merit in the application of the present applicant/accused, and he is granted permission to get his passport renewed, which has expired on 12.03.2024. The application as filed, is allowed accordingly.”

5. A bare perusal of the above reproduction would show that though the permission was granted by the learned Special Judge, CBI Court (hereinafter referred to as ‘CBI Court’) to get the passport of the appellant renewed but no such period for which the same was to be renewed was mentioned by the CBI Court. Keeping in view the said order, a clarification was sought by the Regional Passport Officer, Chandigarh vide letter dated 20.05.2024 (Annexure P/5) and while reverting to the said letter, a finding was recorded by CBI Court vide letter/order dated 14.07.2024 (Annexure P/6) that no clarification of the order dated 21.03.2024 is needed. Aggrieved against the said order, CRM-M-36022-2024 was filed by the appellant, which criminal miscellaneous petition was allowed by this Court by setting

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aside the order dated 14.07.2024 (Annexure P/6) and a liberty was granted to the respondent-Passport authorities to move an appropriate application under the provisions of law before the learned CBI Court so as to seek clarification. Thereafter, the respondent-authority informed the appellant vide letter dated 13.08.2024 (Anenxure P/9) that his passport was being renewed for a period of one year only as the order dated 21.03.2024 was silent on this aspect.

6. It transpires that as the benefit sought by appellant was not being given to him, an application was moved by the appellant for modification of the order dated 21.03.2024 (Annexure P/3) passed by the Special Judge, CBI Court but, in the said application seeking modification of the said order, the CBI Court vide order dated 26.05.2025 (Annexure A-1) held that as in the order dated 21.03.2024 (Annexure P/3), no time period for which the passport was to be renewed was mentioned, coupled with perusal of Clause (ii) of the Notification dated 25.08.1993 (Annexure P/10) issued by the Government of India, the said passport can only be renewed for a period of one year.

7. Feeling aggrieved against the said decision, the appellant approached this Court by way of filing a writ petition being CWP-20648-2024 for quashing the said letter dated 13.08.2024 (Annexure P/9) issued by the Regional Passport Office, Chandigarh, which letter stipulated that the passport with validity of one year will be issued to the appellant.

8. Learned Single Judge of this Court keeping in view the facts and circumstances of the present case, vide impugned order dated 30.10.2025 though, upheld the said decision of the passport authorities to the

extent of grant of benefit of renewal of passport of the appellant but with the



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modification that the same be renewed for a period of three years instead of one year.

9. The said impugned order dated 30.10.2025 passed by the learned Single Judge of this Court is under challenge in the present appeal.

10. Learned Senior counsel appearing for the appellant argues that once, an application was moved by the appellant for the grant of renewal of passport for a period of 10 years, which was allowed by the Trial Court “as prayed for”, the specific time period, even if, not mentioned by the learned CBI Court in the order dated 21.03.2024 (Annexure P/3), the same has to be read as 10 years for all intent and purposes and the subsequent orders/clarification given by the CBI Court is not required to be taken into consideration, which fact has been ignored by the learned Single Judge of this Court while passing the impugned order dated 30.10.2025.

11. Learned Senior counsel for the appellant further argues that the Instructions of the Government of India dated 25.08.1993 (Annexure P/10) which have been relied upon by the passport authorities to renew the passport of the appellant for a period of one year, have already been interpreted by the Bombay High Court in the case of **Samip Nitin Ranjani** (**supra**) in a manner that places the passport authorities under an obligation to renew the passport for a period of 10 years but, the learned Single Judge of this Court has not appreciated the said pronouncement in the correct perspective. Hence, the letter issued by the passport authorities dated 13.08.2024 (Annexure P/9) stipulating that passport will be renewed for only a period of one year as well as impugned order dated 30.10.2025 passed by the learned Single Judge of this Court may kindly be set aside with a direction to the passport authorities to renew the passport of the appellant for



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a period of 10 years.

12. We have heard learned Senior counsel for the appellant and have gone through the record with his able assistance.

13. Qua the first contention raised by the learned Senior counsel for the appellant that an application was filed by the appellant before CBI Court seeking renewal of his passport for a period of 10 years, it may be noticed that the averments made in the application by the appellant before the CBI Court are as under:-

“9. That the applicant is to apply for renewal of the passport for regular period of 10 years.

10. That the applicant undertakes that before going abroad the applicant will seek the prior permission from this Hon’ble Court during the pendency of the present case.

It is therefore, prayed that the applicant may kindly be allowed to get his passport renewed from the Passport Office, Chandigarh, in the interest of justice.”

14. A bare perusal of the above reproduction would show that the intention shown by the appellant was for renewal of a passport for a period of 10 years but there is no prayer stating therein that the direction be given to the Passport Authorities for renewal of passport for a period of 10 years.

15. Further, the contention of the appellant that the application put before the learned Trial Court was allowed “as prayed” is also not correct. Keeping in view the reproduction of the order of the CBI Court dated 21.03.2024 (Annexure P/3) in the preceding paragraph, the application was allowed “accordingly”.

16. Once, there is no time period mentioned by the appellant in the prayer clause of the application made by the appellant or in the order passed

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by the CBI Court dated 21.03.2024 (Annexure P/3) as to for what period the passport was to be renewed, decision on the said aspect was to be taken by the passport authorities as per the Instructions dated 25.08.1993 (Annexure P/10) issued by the Government of India.

17. Further, Clause (ii) of the Instructions dated 25.08.1993 (Annexure P/10) issued by the Government of India in such matter, under which the action has been taken by the passport authorities in the case of the appellant, is as under:-

“(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year.”

18. A bare perusal of the above reproduction would show that in case, there is no time period mentioned by the Court while directing for issuance/renewal of the passport, the passport has to be issued for a period of one year. Keeping in view the totality of the circumstances which have been noticed hereinbefore, the prayer made in the application and order passed by the CBI Court dated 21.03.2024 (Annexure P/3), there seems to be no time period mentioned for which the passport was to be renewed. Once, the time period for which the passport was to be renewed by the passport authorities was not mentioned by the Court, the passport authorities were well within their jurisdiction to issue the same under Clause (ii) of the Instructions dated 25.08.1993 (Annexure P/10) issued by the Government of India, which have been reproduced hereinbefore.

19. The argument of the learned Senior counsel for the appellant is that the Instructions dated 25.08.1993 (Annexure P/10) issued by the Government of India have been interpreted by the Bombay High Court in



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the case of *Samip Nitin Ranjani (supra)* and in case, the period is to be curtailed to a duration of less than 10 years, then only the time period has to be mentioned and the notification has to be referred by the Court, and in the absence of any such order passed by CBI Court, the renewal of the passport has to be for a period of 10 years.

20. It may be noticed that Notification dated 25.08.1993 (Annexure P/10) issued by the Government of India pertains to those cases where an application has been made by the accused, who is facing trial and intends to go abroad and his passport has already expired.

21. In the present case, there is no intent shown by the appellant that he intends to travel abroad for which he should be issued a passport. The only grievance raised by appellant was that during the pendency of the trial, the passport of the appellant had expired which should be renewed without there being any further intent to travel abroad on such passport. In the absence of any such intent shown, the renewal of the passport for a period of one year keeping in view the Notification dated 25.08.1993 (Annexure P/10) issued by the Government of India, is perfectly valid and legal in light of the facts and circumstances of the present case.

22. The judgment in the case of *Samip Nitin Ranjani (supra)* which is being relied upon, is not being interpreted by the learned Senior Counsel for the appellant in the manner required as, the Instructions dated 25.08.1993 (Annexure P/10) issued by the Government of India are to be given their intended meaning, which is that where no time period has been stipulated for issuance/renewal of the passport, the same has to be limited to one year whereas, the interpretation being given by the appellant is that in

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the absence of any such time period mentioned for which the passport is to be renewed, it has to be for a period of 10 years, which interpretation cannot be said to have been borne out either by the judgment passed in *Samip Nitin Ranjani (supra)* or by the Instructions dated 25.08.1993 (Annexure P/10) issued by the Government of India which are being relied upon by the appellant.

23. Keeping in view the totality of the facts and circumstances of the present case, as the time period for renewal of the passport of the appellant has already been extended to three years by the learned Single Judge of this Court vide impugned order dated 30.10.2025, no ground for interference at the hands of this Court is made out and the present appeal is accordingly dismissed.

24. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

December 03, 2025

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Whether speaking/reasoned : Yes

Whether reportable : No