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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1149/2025

ABHA GOEL

.....Petitioner

Through: Mr. Nitin Joshi, Mr. Harsimran Singh
and Mr. Gursimran Singh, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms. Nidhi Raman, CGSC for UOI
with Mr. Arnav Mittal and Mr. Akash
Mishra, Advocates.
Mr. Yasir Rauf Ansari, ASC for State.
Mr. Shanker, SI, PS-Preet Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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10.09.2025

1. The present petition under Article 226 of the Constitution of India, 1950 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks directions to Respondent No. 2 to renew the Petitioner's passport.
2. The Petitioner stands arraigned as an accused in FIR No. 58/2015, registered at P.S. Preet Vihar for the offences under Sections 420/465/467 of the Indian Penal Code, 1860,² and is facing trial. The Petitioner was enlarged on interim protection by this Court *vide* order dated 13th July, 2015 [BAIL APPLN. 838/2015].
3. The said interim bail was confirmed, and the Petitioner was granted anticipatory bail by order dated 11th July, 2016 subject to certain terms and conditions. Of particular relevance is the condition restraining the Petitioner

¹ "BNSS"



from leaving the country without prior permission of the Trial Court.

4. Subsequently, the Petitioner applied for a No-Objection Certificate³ to facilitate the renewal of her passport. The Trial Court, by order dated 29th January, 2025, allowed the said application, observing as under:

“Application perused.

It is stated in the application that the accused has applied for Issuance of passport, however, the request was not entertained due to pendency of the present case.

Ld. APP for the State has opposed the application.

*Considering the facts & circumstances of the case, this court has no objection if the passport is issued to the applicant accused Abha Goel, as per rules. It is however made clear that the present order is made subject to the any other order/direction passed by any competent authority restraining the issuance/renewal of the passport of the applicant/ accused. **Further, applicant/ accused Abha Goel shall not leave the country without seeking prior permission of the court.***

Application is disposed of accordingly. Copy dasti.”

5. Despite the Trial Court’s permission for renewal of the passport, the Passport Office has declined to act, citing the need for a separate NOC for travel abroad, as reflected in its communication dated 11th March, 2025. This insistence has compelled the Petitioner to invoke the extraordinary jurisdiction of this Court.

6. Ms. Nidhi Raman, CGSC for UOI, places reliance on GSR 570(E), a notification dated 25th August, 1993 issued by the Ministry of External Affairs, to contend that the Petitioner must secure specific permission to travel abroad before the renewal of the passport can be considered.

7. Having considered the submission, this Court finds the objection raised by the Passport Authority to be fundamentally misconceived. The Passports Act, 1967 is a self-contained code governing the issuance, refusal, impounding, and renewal of passports. The statutory scheme leaves little

² “IPC”

³ “NOC”



room for administrative improvisation. Section 6(2)(f) of the Act, which is the fulcrum of the present controversy, reads as under:

“6. Refusal of passports, travel documents, etc.—

(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:—

xxx ... xxx ... xxx

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;”

8. The aforesaid provision empowers the Passport Authority to refuse the issuance/renewal of a passport where criminal proceedings against the Applicant are pending before a court in India. However, the statutory framework does not envisage the requirement of obtaining prior permission to travel abroad, from a court of law, for the renewal of a passport. The insistence on such directions, as contemplated in the Notification dated 25th August, 1993, finds no support in the parent legislation. The delegated legislation cannot travel beyond the contours of the Act.⁴

9. The Petitioner is not intending to travel abroad in the immediate future. The relief sought is confined to renewal of the passport, a document that serves not only as a travel instrument, but also as a primary form of identification. The Trial Court, by its order dated 29th January, 2025, has already discharged its limited judicial function by permitting renewal, while simultaneously preserving the bail condition that the Petitioner shall not leave the country without prior permission. This dual safeguard ensures that the liberty to travel remains firmly tethered to judicial oversight.

10. In this backdrop, the insistence of the Passport Authority on securing

⁴ Kaushalya Devi v. State of NCT of Delhi, CRL.M.C. 3166/2025; Akash & Anr. v. State, CRL.A. 147/2020.



an “*NOC to travel abroad*”, as a precondition for the renewal of the passport, amounts to imposing an additional fetter unknown to law. Such an approach conflates two distinct legal stages, renewal of a passport and permission to travel, and in doing so, trenches upon judicial discretion. The Petitioner has, in any event, undertaken to seek prior leave of the Court before any foreign travel. In such circumstances, it is only after the renewal of her passport that the question of seeking permission to travel abroad can arise, and any such travel shall remain subject to the satisfaction of the Court and submission of necessary documents such as visa, travel itinerary, and accommodation details.

11. It is well recognized that a passport is not only a travel document, but also a vital form of personal identification. Denial of its renewal, in the absence of a specific statutory embargo or violation of bail conditions, can have civil consequences wholly unrelated to the pendency of criminal proceedings.

12. In view of the above, this Court holds that the objection raised by the Passport Authority is unsustainable in law. The Respondents are, accordingly, directed to process the Petitioner’s application for renewal of passport forthwith, in accordance with the Passports Act, 1967 and the rules framed thereunder. Needless to clarify, the Petitioner shall not leave the country without prior permission of the competent court, and any such request shall be considered on its own merits.

13. With the aforementioned direction, the petition is disposed of.

SANJEEV NARULA, J

SEPTEMBER 10, 2025/nk