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

+ **CRL.M.C. 9905/2024**

JASMAIN SINGH

.....Petitioner

Through: Mr. C.M. Grover and Ms. Payal
Budhiraja, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for State with S.I
Vivek Kumar, P.S. Gandhi Nagar,
Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

31.01.2025

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**CRL.M.A. 3137/2025 (by the petitioner under Section 528 of BNSS, 2023
seeking preponement of hearing in the petition)**

1. The present application has been filed by the petitioner seeking preponement of hearing of the petition.
2. For the reasons mentioned in the application, the same is allowed.
3. The application is disposed of.

CRL.M.C. 9905/2024

4. The present petition is taken up for hearing today itself with the consent of the parties. The petition has been filed against the impugned order dated 16.11.2024 whereby the court of learned JMFC-01, East, Karkardooma Courts, Delhi had dismissed the application of the petitioner seeking permission for renewal of his passport for a period of 10 years.



5. Mr. C.M. Grover, the learned counsel appearing on behalf of the petitioner submits that the present petitioner is facing criminal proceedings arising out of FIR No.0544/2024 under Sections 420/447/468/471 IPC registered at P.S. Gandhi Nagar, Delhi.
6. He submits that in the said case, the petitioner was granted bail by the court of learned Vacation Judge/East District, Karkardooma Courts, Delhi *vide* order dated 27.12.2023 (Annexure-P-3) subject to the condition that he will not travel abroad without permission of the court.
7. He submits that the petitioner has travelled abroad on earlier occasions after obtaining the permission from the court and the permission so granted was never misused by him.
8. It is submitted that the petitioner is a Joint Secretary of Delhi Sikh Gurudwara Management Committee and is expected to travel abroad frequently. He invites attention of the court to the photocopies of the pages of passport which shows that the petitioner has visas of various countries.
9. It is the contention of Mr. Grover that previously the learned Metropolitan Magistrate *vide* order dated 12.08.2024 had granted no objection for the renewal of his passport. However, on the basis of the said no objection when the petitioner applied, he was given to understand by the Passport Authority that the passport will be renewed only for a specified period of one year.
10. In the given circumstances, the petitioner was constrained to file an application before the learned Trial Court which came to be dismissed by the impugned order.



11. I have heard Mr. Grover, the learned counsel for the petitioner and have also perused the record. The provisions of Section 6(2)(f) of the Passport Act, 1967 provides that the passport authority can refuse the issuance of passport or any other travel document in case the proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India.

12. A notification dated 25.08.1993 has been issued by the Government of India exempting such a person from operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the Passport Act, 1967 subject to the condition that such person can be issued a passport for a period of one year or for such period as may be specified by the court in its order.

13. He places reliance on orders by coordinate Benches of this Court in (i) ***Mahesh Kumar Agarwal v. CBI***, CrI.A.No.189/2022 dated 04.09.2023, (ii) ***Kailash Chand Sharma v. CBI & Ors.***, CrI.A.No.687/2017 dated 22.05.2024 and, (iii) ***P.M. Singh v. CBI***, CrI.A.No.986/2013 dated 24.07.2024, whereby, after considering various aspects of the matter, the coordinate Benches have granted permission to the appellants in those cases for renewal of passports for the regular period of 10 years after their sentences had been suspended.

14. The learned APP, on a query posed by the court, on instructions from the I.O, who is present in court, fairly states that liberty which was granted to the present petitioner to travel abroad on earlier occasions was never misused by him.

15. Having regard to the aforesaid legal position and considering that the petitioner has already travelled abroad and never misused the liberty so granted to him, the passport authority is directed to renew the passport of the



present petitioner for a period of five years.

16. With the aforesaid direction, the petition stands disposed of.

VIKAS MAHAJAN, J

JANUARY 31, 2025

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