

**CWP-4146-2026 (O&M)****-1-**

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

222**CWP-4146-2026 (O&M)****Date of decision: 22.05.2026****Naginder Singh**

....Petitioner

Vs.

Union of India and another

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Prabhdeep Singh Toor, Advocate
for the petitioner.

Mr. Yash Pal Sharma, Advocate
for the respondents.

HARSH BUNGER J. (Oral)

1 Petition herein is, *inter alia*, seeking a writ in the nature of Mandamus, for directing the respondent No.2 – Regional Passport Officer, Chandigarh, to decide the representation dated 18.12.2025 (Annexure P-4) submitted by the petitioner.

2. Briefly, the petitioner is stated to be a senior citizen. It appears that one case FIR No.74 dated 21.06.2012 under Sections 447, 427, 148, 149 of IPC and Sections 24, 54 and 59 of Arms Act, 1959 was registered at Police Station Machhiwara, District Khanna against the petitioner, whereby the petitioner preferred a quashing petition before this Court, which came to be registered as CRM-M-13459-2013.



2.1 In the aforesaid quashing petition, on 21.01.2014, a direction was issued to the learned Trial Court, to adjourn the case beyond the date fixed by this Court, the said direction is stated to be continuing till date.

3. It is the case of the petitioner that his family and children are residing abroad, however, on account of pending case FIR, the petitioner faces hardship as he has to get the passport renewed for meeting his children. It is also the specific case of the petitioner that his children have initiated the process of his immigration, so that they can take care of the petitioner at the dawn of his life.

4. It appears that the petitioner earlier approached this Court by filing CRM-M-9257-2021, for seeking relief as regards issuance of an appropriate direction to Passport Authority to renew his passport, whereupon an order dated 09.07.2021 (Annexure P-1) was passed, the relevant extract of which reads as under:-

“Learned counsel further submits that now the said passport has expired on 02.05.2021 and it needs to be renewed by the competent authority i.e. Regional Passport Officer, Chandigarh.

It is further submitted that petitioner has approached the authorities, however, it was declined on the ground that petitioner is facing trial in the aforesaid FIR.

Learned State counsel has not disputed the factual position. It is also not disputed that said passport remained in possession of the petitioner even after registration of FIR and he has never misused the same.

Learned counsel for the petitioner undertakes that after the renewal of the passport, if the petitioner needs to travel



abroad, he will seek prior permission of the Court and will not misuse the same.

After hearing learned counsel for the parties and considering the submissions of learned counsel for the parties, the present petition is disposed of with a direction to Regional Passport Officer, Chandigarh to renew the passport of the petitioner.

This will be subject to a condition that petitioner will give an undertaking before the trial Court that if he needs to travel abroad, he will seek prior permission of the Court in this regard.”

5. It is stated that in pursuance to the aforesaid order dated 09.07.2021 (Annexure P-1), passport of the petitioner was renewed and lastly it was renewed for one year till 2025, whereupon he again applied for renewal of the passport, which was refused vide letter dated 17.12.2025 (Annexure P-3). Thereafter the petitioner is stated to have submitted a representation dated 18.12.2025 (Annexure P-4), however, no heed has been paid to the same. Accordingly, the petitioner has filed the present writ petition before this Court, for seeking relief(s), as noticed hereinabove.

6. A short reply has been filed on behalf of respondents, wherein the following stands has been taken in para Nos. 2 to 5 thereof:-

“2. That it is submitted that when the Petitioner applied for re-issuance of his passport vide Application Reference No. CH-2076103242925, this office called upon the Petitioner to submit an undertaking as per Notification No. G.S.R. 570(E) dated 25.08.1993, as the Petitioner had submitted a court permission dated 09.07.2021. At that stage, this Respondent No.2, on the basis of the information provided, was under the impression that the Petitioner had not travelled on his passport



bearing No. Y8467239 dated 14.09.2023, and accordingly, a short validity passport of one year could potentially be issued to him under Clause (b) of the said G.S.R. 570(E) dated 25.08.1993, subject to the Petitioner submitting undertaking as per Clause (d) of notification dated 25.08.1993. A copy of Notification No. G.S.R. 570(E) dated 25.08.1993 is annexed hereto as **Annexure R/1**.

3. That the Petitioner visited the office of Respondent No.2 on 30.03.2026 along with his passport bearing No.Y8467239 dated. 14.09.2023 to submit an undertaking as per Clause (d) of notification dated 25.08.1993. Upon examination of the passport No. Y8467239 submitted by the Petitioner during his visit on 30.03.2026, it came to the notice of Respondent No.2 that the Petitioner has in fact travelled on passport No. Y8467239 dated 14.09.2023, which was earlier issued as per G.S.R. 570(E) on the basis of court permission granted by the trial court vide order dated 09.07.2021, Annexure P/1. It is submitted that the Petitioner travelled to Hong Kong from 18.01.2024 to 30.01.2024 and to United States of America from 07.03.2024 to 02.04.2024. A copy of memo/letter submitted by the Petitioner disclosing the travel history on passport No.Y8467239 is annexed here to as **Annexure R/2**.

4. That in view of the above, since the Petitioner has already utilized the passport issued pursuant to the court permission dated 09.07.2021, the said permission stands exhausted. As per Notification No. GSR 570(E) dated 25.08.1993, an applicant may be exempted from the operation of Section 6(2)(f) of the Passports Act, 1967 only if the trial court concerned grants fresh permission/no objection for issuance/re-issuance of passport. Validity of any passport so issued shall be governed by Clauses (a) (i) to (a)(iv) of the said notification. Clause (b) of GSR 570(E) dated 25.08.1993 further



provides that any passport issued in terms of (a)(ii) and (a)(iii) thereof can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified.

5. *That in light of the above, it is therefore submitted that the Petitioner cannot be granted fresh passport/ his passport renewed on the basis of the permission granted vide order dated 09.07.2021, Annexure P/1, as the Petitioner has already travelled abroad on two occasions on the basis of the passport renewed in pursuance to order dated 09.07.2021. Accordingly, it is humbly submitted that the Petitioner be directed to furnish fresh permission/no objection from the concerned trial court for issuance/re-issuance of passport in terms of Notification No. GSR 570(E) dated 25.08.1993; and further submit duly filled undertaking as per Clause (d) of GSR 570(E), available on the Passport Seva Website.”*

6.1 While referring to the above-extracted reply filed on behalf of the respondents, learned counsel appearing for the respondents submits that the petitioner be directed to furnish a fresh permission/no objection from the learned Trial Court in terms of Notification No. G.S.R. 570(E) dated 25.08.1993.

7. I have heard the learned counsel for the respective parties and perused the paperbook, with their able assistance.

8. Concededly, earlier this Court vide order dated 09.07.2021 (Annexure P-1) passed in CRM-M-9257-2021, had permitted renewal of passport of the petitioner, however, since in the order dated 09.07.2021, there was no period specified by this Court, as regards the period for which the passport to be issued; accordingly, it appears that the passport of the



petitioner was renewed for one year. Further, while directing the renewal of the passport of the petitioner vide order dated 09.07.2021 (Annexure P-1), it was specifically directed by Co-ordinate Bench of this Court, that the said direction for renewal of passport to the petitioner, was subject to the condition that the petitioner will give an undertaking before the learned Trial Court, if he needs to travel abroad, then he will seek permission from the Court in that regard.

8.1 Apparently, the petitioner's passport was renewed and he undertook travel thereon as under:-

- “1. *Hong Kong from 18.01.2024 to 30.01.2024*
2. *USA from 07.03.2024 to 02.04.2024.*”

9. Now, since the passport of the petitioner has expired and he is seeking renewal of the passport and that too during the pendency of the proceedings in the aforesaid case FIR No.74 dated 21.06.2012, coupled with the categoric stand taken by the petitioner in the present writ petition that his children has already initiated the process of his immigration, I am of the considered view that the petitioner should first approach the concerned Trial Court, where the trial in the aforesaid case FIR No.74 dated 21.06.2012 is pending. I say so, as Section 6(2)(f) of the Passports Act, 1967 is a ground for refusal at the stage of issue/re-issue of the passport, but it is expressly made subject to “the other provisions” of the 1967 Act, which includes Section 22, whereunder an exemption has been carved out through Government Notification No. G.S.R. 570(E) dated 25.08.1993.

9.1 It is now well-settled that the Notification No. G.S.R. 570(E) dated 25.08.1993 does not compel the criminal Court to authorize any

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particular journey in every case. Rather, it proceeds on a broader premise that where criminal Court permits the applicant to depart from India and the period of validity can be anchored either in the Court's order or in the default period mentioned in the notification, the embargo in Section 6(2)(f) of the 1967 Act, stands lifted to that extent. In this regard, reference can be made to the judgment rendered by the Hon'ble Supreme Court in case of "***Mahesh Kumar Agarwal Vs. Union of India and another***", SLP (C) No.17769 of 2025 (decided on 19.12.2025).

10. In view of the above, the present writ petition is ***dismissed*** with the aforesaid observations.

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

22.05.2026*Ankit***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No