



LPA-738-2026 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

LPA-738-2026 (O&M)
Date of Decision :17.03.2026

Rakesh Kumar

...Appellant

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Gobind Singh Randhawa, Advocate for the appellant.

Mr. Himanshu Bindal, Sr. Panel Counsel for respondent-UOI.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the impugned order dated 21.01.2026 passed by the learned Single Judge of this Court in CWP-24880-2025 whereby, the prayer of the appellant herein for renewal/re-issuance of his passport has been declined.

2. Learned counsel appearing on behalf of the appellant submits that the appellant is residing in Kuwait for 15 years and his passport which has already been expired on 06.07.2025 has been declined to be renewed by the passport authorities on the ground that as per police verification report, FIR No.11 dated 11.05.2019 under Section 498-A, 494 of IPC registered at Police Station NRI Hoshiarpur, District Hoshiarpur is pending against the appellant. Learned counsel for the appellant further submits that the

appellant had no knowledge about the fact that such proceedings had been initiated against him hence, such proceedings shall not come in his way to get his passport renewed despite the said fact that such criminal proceedings are pending against him. Learned counsel for the appellant further submits that declining of the renewal of the passport by the authorities concerned, which act of the respondents has been accepted by the learned Single Judge of this Court is incorrect hence, the respondent-UOI be directed to renew the passport of the appellant forthwith.

3. We have heard learned counsel for the parties and have gone through the record with their able assistance.

4. It may be noticed that once, criminal proceedings are pending against the appellant and such proceedings are being avoided by him for the last six years, the claim of the appellant that by ignoring the fact that such criminal proceedings have been initiated against him, the passport issued to him which got expired on 06.07.2025 should be renewed, cannot be accepted. The renewal of the passport can only be done in accordance with the provisions of the Passport Act, 1967. Once, the presence of appellant is required in a criminal proceeding which is pending before the competent Court of law, which criminal proceedings he is avoiding, allowing renewal of passport so as to allow him to travel to the other countries rather than coming to India to face the trial, cannot be allowed.

5. As per the provisions of issuance or renewal of passport, the police verification report is must. In the present case, it is a conceded fact that the said police verification report is against the appellant which recommends the non-issuance of passport to him as the appellant is facing

the criminal trial which is being avoided by him for the last six years. Nothing has been shown to this Court that a direction can be issued to re-issue/renew a passport by ignoring such police verification report. Even otherwise, the police verification report which denies issuance/renewal of passport to the appellant is not under challenge hence, the claim raised by the appellant for the issuance of passport cannot be accepted.

6. Further, the learned Single Judge of this Court allowed an opportunity to the appellant to avail an emergency certificate to come to India to face the trial initiated against him and then apply for renewal of his passport, which option was refused by the appellant. Even the same option was given by this Court during the hearing of this appeal which offer has been refused by the appellant, which refusal shows that there is no intention of the appellant to come to India to face trial qua the allegations alleged in the FIR registered against him rather his endeavour is to get the passport renewed so as to allow him to travel to the other countries.

7. Further, on being asked to point out whether, the passport can be refused in case anyone who is even living in India and is facing trial in a criminal case, learned counsel for the appellant has not been able to rebut that under such circumstances issuance of passport can be denied based upon police verification report hence, the claim of the appellant for re-issuance/renewal of passport by ignoring the criminal proceedings pending against the appellant, which proceedings are being avoided by him for the last six years, the impugned order passed by the learned Single Judge cannot be treated to be perverse to the facts or law.

8. Further, the option to seek re-issue/renewal of his passport after



LPA-738-2026 (O&M)

-4-

reaching India is still with the appellant but he does not want to avail the same rather, he wants his passport to be renewed there in Kuwait so that he could travel to the other countries, which cannot be accepted in the facts and circumstances of the present case keeping in view the report given by the police authorities that the appellant is involved in a criminal case, which is still pending and such proceedings are being avoided by the appellant herein.

9. Keeping in view the totality of the facts and circumstances as noticed hereinbefore, no ground for interference by this Court is made out and the present appeal is accordingly dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

March 17, 2026

aarti Whether speaking/reasoned : Yes
Whether reportable : No