

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

2026/PHHC/08/1066



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CRM-M-23746-2026 (O&M)
Date of decision : 22.05.2026

Love Sharma @ Love Verma**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in the present petition filed under Section 528 BNSS, 2023 is for setting aside order dated 17.04.2026, passed by the learned trial Court in case arising out of FIR No. 115 dated 07.07.2019, registered under Sections 411, 414, 489-A, 489-B and 489-C of IPC, Section 25 of the Arms Act, 1959, Section 3 of the Indian Passports Act, Section 14 of the Foreigner Act, 1946, Sections 3, 5 and 9 of the Official Secrets Act, 1923 and Sections 21, 22 and 29 of the NDPS Act, 1985 at Police Station Gharinda, Amritsar, whereby an application moved by the petitioner seeking permission to travel abroad and for granting permission to apply for issuance/renewal of passport, had been dismissed.

2. At the very outset, learned counsel for the petitioner restricts his prayer only to the extent of renewal of passport and submits that the relief regarding permission to travel abroad is not being pressed.

3. Brief facts of the case relevant for disposal of the present petition are that the aforementioned FIR was registered against the petitioner and others

at Police Station Gharinda, Amritsar. The petitioner was granted regular bail on 04.09.2019. During pendency of trial, he was granted permission to travel abroad on different occasions and, according to the record, complied with all conditions. Thereafter, he sought issuance/renewal of passport for ten years. Vide impugned order dated 17.04.2026, the learned Trial Court declined to grant such relief, leading to filing of the present petition.

4. It is argued that the petitioner has been on regular bail since 04.09.2019 and has throughout complied with all conditions imposed by the learned trial Court. It is argued that on earlier occasions also the petitioner was permitted to travel abroad and every time he returned within the stipulated period and surrendered before the Court without any default. Learned counsel submits that the petitioner is engaged in jewellery business and renewal of passport is necessary for carrying on business activities. It is argued that renewal of passport cannot be denied merely because criminal proceedings are pending, as issuance of passport and permission to travel abroad are distinct issues. Even after renewal, the petitioner would remain bound to seek prior permission of the competent Court before undertaking any foreign travel. It is further argued that the learned trial Court failed to independently consider the prayer for renewal and declined the same solely on account of pendency of criminal proceedings. Hence, it is urged that the impugned order is liable to be set aside to the extent, whereupon his prayer for renewal of his passport had been denied.

5. *Per contra*, learned State counsel has argued that there is no illegality or infirmity in the impugned order. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner has confined his prayer only to the extent of issuance/renewal of passport and not to permission to travel abroad. A perusal of the impugned order shows that the learned trial Court examined the issue primarily from the perspective of proposed foreign travel. However, renewal of passport and permission to travel abroad are distinct matters and required separate consideration. The petitioner has remained on bail since the year 2019. The material placed on record shows that he was earlier permitted to travel abroad and there is nothing to suggest that he violated any condition, overstayed abroad or avoided appearance before the Court. Mere pendency of criminal proceedings cannot ipso facto result in denial of renewal of passport. Reliance in this regard can be placed upon the authority cited as ***Mahesh Kumar Agarwal v. Union of India, 2025 SCC Online SC 2887***. Moreso, renewal of passport does not confer an automatic right to travel outside the country and any such travel shall continue to remain subject to prior permission of the competent Court. In the absence of any material indicating misuse of concession or likelihood of absconding, denial of renewal solely on account of pendency of proceedings cannot be sustained. Accordingly, the present petition is ***partly*** allowed and the order dated 17.04.2026 is set aside to the extent to which it has declined renewal/issuance of passport. The competent authority shall process renewal/issuance of passport of the petitioner in accordance with law. It is, however, clarified that renewal of passport shall not entitle the petitioner to travel abroad without obtaining prior permission from the competent Court.

22.05.2026

Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No