



CWP-17945-2025 (O&M)

-1-

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

220

CWP-17945-2025 (O&M)

Date of decision: 20.04.2026

Naresh

...Petitioner

Vs.

Union of India and others

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Deepak Jaglan, Advocate
for the petitioner.

Ms. Monica Chawla, Advocate
for respondents No.1 and 2/UOI.

Mr. Abhimanyu Antil, DAG, Haryana.

HARSH BUNGER J.

1. Petition herein is, filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Mandamus, for directing the respondents authorities to issue passport to the petitioner.

2. Briefly, the petitioner applied for passport vide application dated 14.03.2024, however, an adverse police verification report was submitted in respect of the petitioner, stating that a criminal case bearing FIR No.116 dated 13.05.2021 under Sections 279 and 304-A IPC was registered against the petitioner at Police Station Rajaund, Kaithal.

3. It appears that the Passport Authorities issued a show cause notice dated 27.05.2024 (Annexure P-5) to the petitioner, seeking an explanation from him, regarding the circumstances under which he had

**CWP-17945-2025 (O&M)****-2-**

suppressed the material information; the relevant extract of the show cause notice reads as under:-

***“Subject: Clarifications required regarding Issuance of
Passport facilities to Shri NARESH***

Dear Sir,

This is in reference to receipt of an adverse Police Verification Report corresponding to your application for passport issue with file mobile number CH6069579298824 dated 08/05/2024.

You are therefore, called upon to provide a suitable explanation within 30 days. Please note that you are required to furnish a proper explanation regarding the circumstances under which you had suppressed the material information in your passport application. Please be informed that in case of non response within the specified period, or a non-satisfactory response, your will be rejected under section 6 (2) of the Passport Act, 1967 unless cleared in appeal by the PSP Division.

You could choose to submit the required documents to the Enquiry Officer at the Regional Passport Office between. 9:30 AM to 12:30 PM only or all working days (Except Wednesday, Friday)”

4. It is stated that the petitioner responded to the aforesaid show cause notice by submitting his reply dated 08.06.2024 (Annexure P-6), wherein it was clearly mentioned that no material information had been suppressed by the petitioner in his passport application, as the factum of FIR No. 116 dated 13.05.2021 was duly mentioned in the application for issuance of passport; accordingly, prayer was made for issuance of passport.

**CWP-17945-2025 (O&M)**

-3-

5. It transpires that the Passport Authorities vide subsequent letter dated 17.01.2025 (Annexure P-8), called upon the petitioner to submit the permission to depart from India from the concerned Trial Court as per the provisions of G.S.R. 570(E) dated 25.08.1993, within a period of 30 days, failing which the passport was to be denied to the petitioner.

6. In the aforementioned circumstances, the petitioner approached this Court by filing a writ petition (CWP-15871-2024), which came to be withdrawn by the petitioner with liberty to approach the learned trial Court, so as to seek permission to depart from India in terms of Government Instructions issued vide G.S.R. 570(E) dated 25.08.1993.

7. Thereafter, the petitioner is stated to have submitted an application before concerned trial Court seeking permission to travel abroad, however, the said application came to be dismissed by learned Judicial Magistrate 1st Class, Kaithal, vide order dated 20.05.2025 (Annexure P-11).

8. In the aforementioned circumstances, the present writ petition has been filed before this Court, for seeking relief(s) as noticed hereinabove.

9. Learned counsel for the petitioner, *inter alia*, contends that the order dated 20.05.2025 (Annexure P-11) is arbitrary, contrary to law and violative of petitioner's fundamental right to travel. It is submitted that, there is no concealment/suppression on the part of the petitioner as the factum of pending FIR was duly mentioned in the application for seeking passport. It is contended that a person can seek permission to go abroad or depart from India only by giving details of his passport, visa, travel itinerary; which the petitioner would be unable to provide at this stage since there is no passport

**CWP-17945-2025 (O&M)****-4-**

with the petitioner. Accordingly, it is submitted that the Passport Authorities have erred in fact and law in refusing the facility of passport to the petitioner.

10. On the other hand, learned counsel appearing for the respondents No.1 and 2 has opposed the submissions raised on behalf of the petitioner by submitting that Section 6(2)(f) of the Passport Act, 1967 (in short '1967 Act'), empowers the passport authorities to refuse issuance of passport or travel documents to a person against whom criminal proceedings are pending before a Court in India. A reference is made to Government Instructions/Notification G.S.R. 570(E), which provides an exemption from the operation of Section 6(2)(f) in cases where the individual obtains a Court order permitting departure from India. It is further submitted that in terms of the aforesaid Government notification, the petitioner must firstly obtain explicit permission from the competent Court to travel abroad or depart from India, failing which no passport can be issued. Accordingly, it is asserted that, since the learned trial Court has not granted permission to the petitioner to travel abroad, therefore, the passport to the petitioner has been rightly declined.

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

12. The Hon'ble Apex Court in "***Maneka Gandhi v. Union of India***" ***reported in 1978 (1) SCC 248***, held that no person can be deprived of his right to go abroad unless there is a law enabling the State to do so and

**CWP-17945-2025 (O&M)****-5-**

such law contains fair, reasonable and just procedure. Hon'ble the Apex Court made the following observations:

"Thus, no person can be deprived of his right to, go abroad unless there is a law made by the State prescribing the procedure for so depriving him and the deprivation is effected strictly in accordance with such procedure. It was for this reason, in order to comply with the requirement of Article 21, that Parliament enacted the Passports Act, 1967 for regulating the right to go abroad. It is clear from the provisions of the Passports, Act, 1967 that it lays down the circumstances under which a passport may be issued or refused or cancelled or impounded and also prescribes a procedure for doing so, but the question is whether that is sufficient compliance with Article 21. Is the prescription of some sort of procedure enough or must the procedure comply with any particular requirements? Obviously, procedure cannot be arbitrary, unfair or unreasonable. This indeed was conceded by the learned Attorney General who with his usual candour frankly stated that it was not possible for him to contend that any procedure howsoever arbitrary, oppressive or unjust may be prescribed by the law ..."

12.1 In **"Satish Chandra Verma v. Union of India (UOI) and others"**, 2019 SCC Online (SC) 2048; the Hon'ble Apex Court observed as under:

"The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship which are the basic humanities which can be



CWP-17945-2025 (O&M)

-6-

affected through refusal of freedom to go abroad and this freedom is a genuine human right."

12.2 Hon'ble Apex Court in **"Sumit Mehta v. State of NCT of Delhi", 2013 (15) SCC 570**, observed as under:

"The law presumes an accused to be innocent till his guilt is proved. As a presumable innocent person, he is entitled to all the fundamental rights including the right to liberty guaranteed under Article 21 of the Constitution of India."

12.3 The Hon'ble Supreme Court in **"Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation", 2020 Crl. L J. (SC) 572**; had an occasion to examine the issue of pendency of criminal cases in the light of the provisions of the Passports Act, 1967. The petitioner therein was convicted in a case for the offences under Sections 420 IPC and also Section 13(2) read with Section 13(1) of the Prevention of Corruption Act, 1988, against which, an appeal was filed and the same was dismissed, however the sentence was reduced to a period of one (01) year. The petitioner therein approached the Apex Court by way of filing an appeal and the same was pending. In those circumstances, Hon'ble Apex court held that refusal of a passport can be only in case where an applicant is convicted during the period of five (05) years immediately preceding the date of application for an offence involving moral turpitude and sentence for imprisonment was not less than two years. It was observed that Section 6(2) (f) of 1967 Act relates to a situation where the applicant is facing trial in a criminal Court. Therefore, considering the said facts, the Apex Court held that Passport Authority cannot refuse renewal of the passport on the ground

**CWP-17945-2025 (O&M)****-7-**

of pendency of the criminal appeal. Thus, the Hon'ble Apex Court directed the Passport Authority to issue the passport of the applicant without raising the objection relating to the pendency of the aforesaid criminal appeal in Supreme Court.

12.4 In “**Wassan Singh Versus Union of India**”, 2023 (3) RCR (C) 786, a coordinate bench of this Court has also held that mere pendency of FIR itself is no ground for refusal or non issuance of passport to the applicant. The relevant extracts thereof reads as under :-

“A perusal of section 6 of the Passports Act would show that mere pendency of an FIR itself is no ground for refusal or non-issuance of passport to the applicant. This Court had also occasioned to deal with an identical issue in the case of Daler Singh v. Union of India and others(Supra) and Sahib Jaskaran Singh v. Union of India and others(Supra). So far as allegation of suppression of facts pertaining to FIRs at the time of application filed by the petitioner is concerned, Section 6 does not lay down any ground that on the basis of suppression of pendency of an FIR, a passport can be refused. So far as suppression in case of impounding is concerned, Section 10 deals with the same but a Co-ordinate Bench of this Court in Sukhdeep Singh v. Union of India and another(Supra) also dealt with this issue that even in that case as well, the suppression of FIR itself cannot become a ground for impounding of the passport. However, the present case does not pertain to impounding of the passport but it pertains to grant/issue of passport and therefore, the case of the petitioner is governed by section 6 of the Passports Act.”



CWP-17945-2025 (O&M)

-8-

12.5 In “**Ganni Bhaskara Rao v. Union of India**”, 2022 AIR (Andhra Pradesh); Hon'ble Andhra Pradesh High Court observed as under:-

“5. This Court also holds that merely because a person is an accused in a case it cannot be said that he cannot "hold" or possess a passport. As per our jurisprudence every person is presumed innocent unless he is proven guilty. Therefore, the mere fact that a criminal case is pending against the person is not a ground to conclude that he cannot possess or hold a passport. Even under section 10 (d) of the Passports Act, the passport can be impounded only if the holder has been convicted of an offence involving "moral turpitude" to imprisonment of not less than two years. The use of the conjunction 'and' makes it clear that both the ingredients must be present. Every conviction is not a ground to impound the passport. If this is the situation post-conviction, in the opinion of this Court, the pendency of a case / cases is not a ground to refuse, renewal or to demand the surrender of a passport...”

13. Recently, Hon'ble Supreme Court in case of **Mahesh Kumar Aggarwal versus Union of India & Another, SLP(C) No. 17769 of 2025 (Decided on 19.12.2025)**; while dealing with a matter concerning issuance / renewal of passport to a person involved in various criminal matters (wherein he was also convicted in one matter); observed as under:-

“8. From a conjoint reading of Sections 5, 6, 7 and 8 of the Passports Act, a structured scheme emerges. Section 5 is the starting point. It prescribes the manner in which an application for a passport is to be made and requires the passport authority, subject to the other provisions of the Act, to decide the application by issuing or refusing the passport through a written order. Section 6 qualifies that power and sets out, in an



exhaustive manner, the grounds on which the passport authority shall refuse to issue a passport or travel document. Sub-section (1) deals with refusal of endorsements for particular countries. Sub-section (2) governs refusal of issue itself and again begins with the words “subject to the other provisions of this Act”. It obliges the authority to refuse issue where any of the situations in clauses (a) to (i) are present, including the pendency of criminal proceedings before a court in India under clause (f). Section 7 then addresses the duration of a passport. It provides that a passport shall continue in force for such period as may be prescribed, but also permits the authority, for reasons to be communicated in writing to the applicant, to issue a passport for a shorter period in an appropriate case. Section 8 deals with the converse situation where a passport has already been issued for a shorter period. It permits extension of such a passport, but expressly states that the provisions of the Act shall apply to such extension as they apply to the issue of the passport, thereby linking an extension back to the same statutory conditions and limitations that govern original issue under Sections 5 and 6.

9. *Sections 9, 10 and 22 reinforce and complete this framework. Section 9 enables the Central Government, by rules, to prescribe the conditions subject to which and the form in which a passport shall be issued or renewed. It also permits, with prior approval of the Central Government, the imposition of case-specific conditions in addition to the prescribed ones. Section 10 operates at a later stage and deals with the life of a passport after it has been issued. It empowers the passport authority, in defined situations, to require production of the passport and to impound or revoke it. One such situation, under Section 10(3)(e), is where proceedings in respect of an offence*



alleged to have been committed by the holder are pending before a criminal court in India. Section 22 then confers on the Central Government the power, where it considers it necessary or expedient in the public interest, to exempt any person or class of persons from the operation of specified provisions of the Act or the Rules, subject to conditions. It is in exercise of this power that GSR 570(E) was issued, creating a controlled exemption from the bar in Section 6(2)(f) in favour of persons facing criminal proceedings who obtain permission from the concerned court and comply with the conditions set out in that notification.

10. *On a plain reading, GSR 570(E) does two things. First, it recognises that persons facing criminal proceedings are not to be treated as absolutely disentitled to a passport. Instead, it permits such persons to obtain a passport, notwithstanding Section 6(2)(f), where the concerned criminal court has applied its mind and passed an order in relation to issuance or use of the passport and where the applicant furnishes an undertaking to appear before the court as and when required. Secondly, it structures the exercise of that exemption by tying the validity and use of the passport to the terms of the court's order. Thus, where the court specifies a period for which the passport is to be issued, the passport authority must honour that period. Where the court does not stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases. What the notification does not do is to create a new substantive bar beyond Section 6(2)(f), or to insist that the criminal court must, in every case, grant a prior blanket permission to "depart from India" for specified dates as a jurisdictional precondition to the very issue or re-issue of a passport.*



11. The OM dated 10.10.2019 does not create a new regime. It reiterates that GSR 570(E) must be “strictly applied”, explains the procedure where criminal cases are pending and makes it clear that a “no objection certificate” or permission from the criminal court, read with the applicant’s undertaking, may override an adverse police report with reasons recorded by the Passport Officer. It also contemplates situations where more than one court is dealing with the matter and indicates that the orders of all such courts are to be read together. The OM is thus an administrative restatement of the position under Section 6(2)(f), Section 22 and GSR 570(E), and cannot add to or cut down the exemption which the notification itself grants.

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13. The Calcutta High Court has treated Section 6(2)(f) as an unyielding bar so long as any criminal proceeding is pending, unless the criminal court simultaneously authorises a specific foreign trip for a defined period. That reading unduly narrows the effect of GSR 570(E). Nothing in the Passports Act requires the criminal court to convert every permission into a one-time licence to undertake a particular journey. The statute equally permits the court to allow renewal of the passport while retaining complete control over each instance of foreign travel by insisting on its prior leave, as both courts have done in the present case.

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15. The reasoning of the learned Single Judge proceeds on the basis that, once Section 6(2)(f) is attracted, renewal of a passport is virtually ruled out unless the criminal court, at the same time, permits a particular foreign trip for a specified duration. With respect, this approach overlooks two features of the statutory scheme. First, Section 6(2)(f) is a ground for



refusal at the stage of issue or re-issue, but it is expressly made subject to “the other provisions” of the Act, which include Section 22 and the exemption carved out through GSR 570(E). Second, GSR 570(E) does not compel the criminal court to authorise a particular journey. It proceeds on the broader premise that where the 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 periods mentioned in the notification, the embargo in Section 6(2)(f) stands lifted to that extent. In the present case, both criminal courts have adopted a different but equally legitimate method of control by allowing renewal while reserving to themselves the power to regulate each instance of foreign travel. That method satisfies the statutory concern of securing the accused’s presence as effectively as, if not more effectively than, a one-time permission for a single trip.

16. *The respondents and the Calcutta High Court have also treated the expression “permission to depart from India” in GSR 570(E) as if it necessarily refers only to a concrete permission for an immediately proposed journey. We do not read the notification in so narrow a manner. Where, as here, the conditions of bail already stipulate that the appellant shall not leave the country without prior permission of the court concerned, and the same court then grants no objection to renewal of the passport without relaxing that condition, the requirement that departure from India shall be subject to judicial permission is built into the very terms of the exemption. The passport authority is not required, at the renewal stage, to demand a schedule of future journeys or visas which may not yet exist. Its task is to see whether, despite pending proceedings, the criminal courts have chosen to keep the*



possibility of travel open under their supervision. Once that position is clear, GSR 570(E) applies and the bar under Section 6(2)(f) cannot be invoked to refuse renewal altogether.

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20. *It must also be noted that denial of renewal of a passport does not operate in a vacuum. This Court has repeatedly held in a catena of judgements that the right to travel abroad and the right to hold a passport are facets of the right to personal liberty under Article 21 of the Constitution of India. Any restriction on that right must be fair, just and reasonable, and must bear a rational nexus with a legitimate purpose.*

21. *The legitimate purpose behind Section 6(2)(f) and Section 10(3)(e) is to ensure that a person facing criminal proceedings remains amenable to the jurisdiction of the criminal court. That purpose is fully served in the present case by the conditions imposed by the NIA Court, Ranchi, and the Delhi High Court, which require the appellant to seek prior permission before any foreign travel and, in the NIA case, to re-deposit the passport immediately after renewal. To add to these safeguards an indefinite denial of even a renewed passport, when both criminal courts have consciously permitted renewal, would be a disproportionate and unreasonable restriction on the appellant's liberty.*

22. *It is important to keep distinct the possession of a valid passport and the act of travelling abroad. A passport is a civil document that enables its holder to seek a visa and, subject to other laws and orders, to cross international borders. Whether a person who is on bail or facing trial may actually leave the country is a matter for the criminal court, which can grant or withhold permission, impose conditions, insist on undertakings, or refuse leave altogether. In the present case, both criminal*



courts have done exactly that. To refuse renewal on the speculative apprehension that the appellant might misuse the passport is, in effect, to second-guess the criminal courts' assessment of risk and to assume for the passport authority a supervisory role which the statute does not envisage.

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24. *Finally, even on the respondents' own reading of GSR 570(E), the consequence of an order which does not specify a longer period of validity is that the passport should be issued for a shorter duration, usually one year, and not that renewal must be refused altogether. The learned Single Judge and the Division Bench did not examine this aspect, because they proceeded on the premise that the appellant stood outside the exemption altogether. Once it is recognised that the appellant is within the exempted class, the correct question for the passport authority is the appropriate period of validity in the facts of the case, not whether any renewal is permissible at all. In the present matter, given that the Delhi High Court has expressly authorised renewal for ten years and the NIA Court has imposed stringent conditions including redeposit and prior permission for travel, we see no justification to curtail the normal period of validity.*

25. *In the light of the above discussion, we are unable to sustain the approach adopted by the learned Single Judge and the Division Bench. Both have treated Section 6(2)(f) as an absolute bar so long as any criminal proceeding is pending, without giving full effect to the statutory exemption mechanism under Section 22 and GSR 570(E), and without adequately appreciating that the criminal courts actually dealing with the appellant's cases have consciously permitted renewal while retaining stringent control over any foreign travel. They have,*



in effect, converted a qualified restriction, designed to secure the presence of an accused, into a near-permanent disability to hold a valid passport, even where the criminal courts themselves do not consider such a disability necessary.

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27. *It is needless to observe that nothing in this judgment curtails the powers of the passport authority under Section 10 of the Passports Act. If any future order of a competent court, or any subsequent development, requires impounding or revocation of the appellant's passport, it shall be open to the authority to act in accordance with Section 10 and other applicable provisions. Equally, if the appellant violates any condition imposed by the NIA Court, Ranchi, or the Delhi High Court, it will be open to those courts to take such steps, including modification of bail and recall of permissions, as may be warranted.*

28. *In the result, the appeal is allowed..."*

14. From the above-referred judicial pronouncements, the following position emerges:-

(i) *The right to travel abroad and the right to hold a passport are facets of the right to personal liberty under Article 21 of the Constitution of India. Any restriction on that right must be fair, just and reasonable, and must bear a rational nexus with a legitimate purpose.*

(ii) *It is important to keep distinct the possession of a valid passport and the act of travelling abroad.*

(iii) *A passport is a civil document that enables its holder to seek a visa and, subject to other laws and orders, to cross international borders.*



(iv) *The legitimate purpose behind Section 6(2)(f) and Section 10(3)(e) of the passport Act, 1967; is to ensure that a person facing criminal proceedings remains amenable to the jurisdiction of the criminal court.*

(v) *An accused is presumed innocent until proven guilty and is entitled to all fundamental rights, including personal liberty under Article 21.*

(vi) *Section 6(2)(f) of the Passport Act, 1967 is a ground for refusal at the stage of issue or re-issue, but it is expressly made subject to “the other provisions” of the Act, which include Section 22 and the exemption carved out through Government Notification GSR 570(E).*

(vii) *Notification GSR 570(E) recognises that persons facing criminal proceedings are not to be treated as absolutely disentitled to a passport. Instead, it permits such persons to obtain a passport, notwithstanding Section 6(2)(f), where the concerned criminal court has applied its mind and passed an order in relation to issuance or use of the passport and where the applicant furnishes an undertaking to appear before the court as and when required.*

(viii) *Notification GSR 570(E) structures the exercise of exemption by tying the validity and use of the passport to the terms of the court’s order. Thus, where the court specifies a period for which the passport is to be issued, the passport authority must honour that period. Where the court does not stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases.*

(ix) *Notification GSR 570(E) does not create a new substantive bar beyond Section 6(2)(f), or to insist that the criminal court must, in every case, grant a prior blanket permission to “depart*



from India” for specified dates as a jurisdictional precondition to the very issue or re-issue of a passport.

(x) Notification GSR 570(E) does not compel the criminal court to authorise a particular journey. It proceeds on the broader premise that where the 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 periods mentioned in the notification, the embargo in Section 6(2)(f) stands lifted to that extent.

(xi) The passport authority is not required, at the renewal stage, to demand a schedule of future journeys or visas which may not yet exist. Its task is to see whether, despite pending proceedings, the criminal courts have chosen to keep the possibility of travel open under their supervision. Once that position is clear, GSR 570(E) applies and the bar under Section 6(2)(f) cannot be invoked to refuse renewal altogether.

(xii) To refuse renewal on the speculative apprehension that the appellant might misuse the passport is, in effect, to second-guess the criminal courts’ assessment of risk and to assume for the passport authority a supervisory role which the statute does not envisage.

(xiii) Once the competent criminal court, being fully conscious of the pending proceedings, grants permission or records a “No Objection” for renewal of a passport subject to appropriate conditions, the passport authority is bound to give effect to such order and cannot sit in appeal over, or second-guess, the satisfaction recorded by the said court.

15. Keeping in view the above, I find substance in the contention raised on behalf of the petitioner that a person can approach trial Court to

**CWP-17945-2025 (O&M)****-18-**

seek permission to go abroad or depart from India, only by giving details of his passport, visa, travel itinerary, etc.

16. In view of the above discussion, I am of the considered view that the purpose and intent for which the Notification (GSR 570(E) dated 25.08.1993) has been issued can be well served and protected by issuing necessary directions in this matter. Accordingly, the impugned order dated 20.05.2025 (Annexure P-11) is set aside and the instant writ petition is disposed of with the following directions :-

- i) The petitioner herein shall submit an undertaking along with an affidavit before the trial Court concerned in the case wherein petitioner is facing trial, stating that he will not leave India during pendency of the said case without permission of the Court and that he will co-operate with trial Court in concluding the proceedings in the said case.*
- ii) On filing such an undertaking as well as affidavit, the trial Court shall issue a certified copy of the same within two (02) weeks therefrom;*
- iii) The petitioner herein shall submit certified copy of aforesaid undertaking before the Respondent No.2- Regional Passport Office for seeking renewal of his passport;*
- iv) The Respondent No.2- Regional Passport Office shall consider the application of the petitioner for renewal of passport in the light of the observations made by this Court herein as well as the contents of the undertaking given by the petitioner for renewal of his passport in accordance with law, within three (03) weeks from the date when the petitioner submits certified copies of undertaking in terms of direction nos.(ii) and (iii) above;*

v) Upon preparation of the renewed passport, the petitioner shall deposit the original renewed passport before the trial Court where proceedings are pending in FIR No. 116 dated 13.05.2021, within a period of 10 days from the date of receipt of passport by the petitioner;

vi) However, liberty is granted to the petitioner herein to file an application before the concerned trial Court(s) for seeking permission to travel abroad and it is for the concerned trial Court(s) to consider the same in accordance with law.”

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

20.04.2026

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(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No