

2026-ПНHC-057031



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

CWP-23080-2025 (O&M)
Date of Decision: 10.03.2026

Karamjit Singh

..... Petitioner

Versus

Union of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSII BUNGER

Present: Mr. Ashir Gulati, Advocate
for the petitioner.

Mr. Yash Pal Sharma, Central Government Counsel
for the respondents.

HARSII BUNGER J.

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for quashing the letter dated 28.03.2025 (Annexure P-5), issued by the Regional Passport Office, Chandigarh, whereby renewal of the petitioner's passport has been declined.

1.1 A further prayer has been made for issuance of a writ in the nature of Mandamus, directing the official respondents to re-issue the passport to the petitioner for a period of ten years pursuant to his application dated 14.06.2024 (Annexure P-1).

2. Briefly, the petitioner had earlier been issued a passport bearing

No.M8408259 on 01.05.2015, which was valid up to 30.04.2025. Prior to its expiry, the petitioner applied for renewal of his passport vide application dated 14.06.2024 (Annexure P-1) and deposited the requisite fee.

2.1 During police verification, it surfaced that an FIR No.378 dated 12.11.2020, registered under Section 379-B of the Indian Penal Code and Section 25 of the Arms Act, was pending against the petitioner and the criminal trial was in progress. On account of pendency of the said criminal case, the passport application was kept pending by the passport authorities. Thereafter, the petitioner approached the learned Additional Sessions Judge, S.A.S. Nagar, Mohali, who, vide order dated 07.12.2024 (Annexure P-2) permitted the petitioner to apply for renewal of the passport.

2.2 Upon production of the said order (Annexure P-2), the respondent – Regional Passport Office, Chandigarh, issued a communication dated 01.01.2025 (Annexure P-3), asking the petitioner to produce a specific order from the trial Court permitting him to depart from India in terms of Notification G.S.R. 570(E) dated 25.08.1993, failing which the request could not be processed.

2.3 In the aforementioned circumstances, the petitioner filed a writ petition, bearing CWP No.1888 of 2025, before this Court, which was disposed of vide order dated 24.01.2025 (Annexure P-4) with a direction to the respondents to consider petitioner's application for renewal of passport.

2.4 Thereafter, the respondent – Regional Passport Office, Chandigarh, passed order dated 28.03.2025 (Annexure P-5), thereby refusing renewal of the passport of petitioner.

2.5 The petitioner again approached this Court by filing another writ petition, bearing CWP No.10096 of 2025, challenging the aforesaid

order dated 28.03.2025 (Annexure P-5), however, the said writ petition was withdrawn vide order dated 26.05.2025 (Annexure P-6), to approach the trial Court for seeking permission to depart from India in terms of Government Instructions issued vide G.S.R. 570(E) dated 25.08.1993.

2.6 Subsequently, the petitioner moved an application, bearing CRM No.468 of 2025, before the learned Additional District and Sessions Judge at Mohali, S.A.S. Nagar, seeking permission to go abroad and also seeking directions regarding renewal of the passport. However, the said application was disposed of vide order dated 19.06.2025 (Annexure P-7), by observing that renewal/re-issuance of passport stands on a different footing from permission to travel abroad. It was further observed that the request for permission to travel abroad would be considered only after production of a renewed passport.

3. In the aforementioned circumstances, the present writ petition has been filed before this Court.

4. Learned counsel for the petitioner contends that the petitioner has merely sought renewal of his passport and not permission to travel abroad; that the right to travel is a facet of personal liberty under Article 21 of the Constitution of India; and that pendency of a criminal case cannot be an absolute bar to renewal of a passport. It is further submitted that the order dated 28.03.2025 (Annexure P-5) is arbitrary as it insists upon prior permission to depart from India even for renewal of passport. It is further submitted that renewal of passport and permission to travel abroad are distinct considerations and that the petitioner undertakes to seek permission from the trial Court whenever he intends to travel outside India.

5. Per contra, learned counsel appearing for the respondents,

contends that the petition is not maintainable as the petitioner has an efficacious statutory remedy of appeal against the order dated 28.03.2025 (Annexure P-5) before the Appellate Authority under the Passports Act, 1967, which he has failed to avail. Learned counsel for the respondents submits that as per Section 6(2)(f) of the Passports Act, 1967, read with Government Instructions issued vide G.S.R. 570(E) dated 25.08.1993; where criminal proceedings are pending, exemption can be granted only upon production of an order of the competent Court permitting departure from India, which the petitioner has not furnished. It is, thus, argued that the refusal order is a speaking order and the present writ petition deserves to be dismissed.

6. Heard.

7. 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 such law contains fair, reasonable and just procedure. Hon'ble the Apex Court made 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...”

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

7.2 The 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.”

7.3 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 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.

7.4 In **“Wassan Singh Versus Union of India”, 2023 (3) RCR (C) 786**, a co-ordinate 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.”

7.5 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...”

8. From the above referred judicial pronouncements, it is apparent that mere pendency of criminal case cannot be the ground to deny passport facilities to an applicant since right to personal liberty not only includes applicant's right to travel abroad, but also applicant's right to possess or hold a passport.

8.1 Further, keeping in view the observations made by Hon'ble the Apex Court in ***Vangala Kasturi Rangacharyulu's*** case (*supra*), it is clear that if a person convicted of a crime is entitled to seek a passport, as held by the Hon'ble Supreme Court of India; this Court does not find any reason to hold that the petitioner who is only an accused in the case mentioned above; cannot hold a passport, especially when even the trial Court has permitted him to get the passport renewed.

8.2 I also find substance in the contention raised on behalf of the petitioner that he can approach trial Court to seek permission to go abroad or depart from India, only by giving details of his passport, visa, travel itinerary, etc.

9. Keeping in view the aforesaid facts and circumstances, 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. Renewal of passport and permission to travel abroad are distinct matters. Pendency of criminal proceedings, by itself, is not an absolute ground to refuse renewal of a passport; appropriate safeguards can always be imposed to secure petitioner's presence during his trial. Accordingly, the impugned order dated 28.03.2025 (Annexure P-5) 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.378 dated 12.11.2020, 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 on its own merits, in accordance with law.

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

10.03.2026

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No