

103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-551-CWP-2026 in/and
CWP-24880-2025 (O/M)
Date of decision : 21.01.2026

Rakesh Kumar through his SPA Sh. Sukhwinder Singh Petitioner

Versus

Union of India and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Gobind Singh Randhawa, Advocate
for applicant-petitioner.

Mr. Himanshu Bindal, Senior Panel Counsel
for respondents No. 1 and 2.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab
for respondent No. 3.

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HARSH BUNGER, J. (ORAL)

CM-551-CWP-2026

1. This is an application filed under Section 151 CPC for placing on record complete copy of passport of petitioner as Annexure A-1.

2. For the reasons mentioned in application, same is allowed and complete copy of passport of petitioner (Annexure A-1) is taken on record subject to all just exceptions.

3. Application is accordingly disposed of.

CWP-24880-2025 (O/M)

1. Prayer in the instant civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a

writ in the nature of mandamus for directing respondents to re-issue passport to petitioner.

2. Briefly, petitioner was holding a passport bearing No. M-6717641, issued on 07.07.2015, which was valid upto 06.07.2025. Petitioner is stated to be residing in Kuwait for the last about 15 years. He applied for re-issuance of passport, vide his application dated 02.04.2025 (Annexure P-1); however, an objection was raised by passport authorities that one case FIR No. 11, dated 11.05.2019 was registered against petitioner under Sections 498-A, 494 IPC at Police Station NRI Hoshiarpur, District Hoshiarpur.

2.1 Petitioner is stated to have submitted his reply to objection raised by the passport authorities by submitting a representation dated 27.06.2025 (Annexure P-3). It is submitted that till date, passport authorities have not re-issued passport to petitioner.

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition for seeking relief(s), as notice hereinabove.

4. Heard.

5. Concededly, previous passport of petitioner already stands expired on 06.07.2025. Upon an application being submitted by petitioner for re-issuance of passport, an objection was raised by Embassy of India at Kuwait that during the pendency of his application for re-issuance of passport, it has been noticed that a case FIR No. 11, dated 11.05.2019 stands registered against him and that petitioner had concealed material information in his application, which is an offence under Section 10(3)(b) read with Section 12(1)(b) of Passport Act, 1967 (in short '1967 Act').

Accordingly, petitioner was called upon to submit a suitable explanation

within 21 days of the receipt of intimation letter dated 18.05.2025 (Annexure P-2) regarding suppression of aforesaid information in his passport application. In the said letter dated 18.05.2025 (Annexure P-2), it was also informed to petitioner that he may submit a case closure order or permission from the concerned Court for a short validity passport during the pendency of criminal proceedings.

5.1 Apparently, petitioner submitted his explanation to aforesaid letter dated 18.05.2025 (Annexure P-2) by submitting his reply (Annexure P-3), wherein he stated that he has been residing in Kuwait for the last 15 years and that when his previous passport was issued in the year 2015, no FIR was registered against him. He further submitted that aforesaid case FIR came to be registered against him in the year 2019 and at that time, he was not in India; however, a perusal of copy of passport (Annexure A-1) of petitioner would show that petitioner had visited India on 25.03.2018 at Cochin International Airport and had departed on 07.04.2018 from same airport.

5.2 That apart, learned State counsel has informed the Court that proceedings in the aforesaid case FIR No. 11, dated 11.05.2019 are pending before learned Chief Judicial Magistrate, Hoshiarpur, wherein order dated 03.01.2026 has been passed, whereby petitioner has been ordered to be summoned through procedure provided under Section 110 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS') for 10.07.2026. The relevant extract of order dated 03.01.2026 reads as under :-

“At this stage, file taken up again as IO ASI Sohan Singh, of PS NRI, Hoshiarpur moved an application u/s 112

BNSS. Report of Ahlmad seen as per which no stay order has been received pertaining to the present case. Heard on the application. Perusal of application shows that the accused Rakesh Kumar is residing abroad in a foreign country. Since, the accused is yet to join pending investigation/trial so his presence cannot be procured except through section 110 BNSS (105 Cr.PC.) read with relevant provision under the mutual legal assistance treaty and the guideline laid down by Govt. of India Ministry of Home Affairs, I.S. Division-II, Legal Cell bearing no. 25016/17/2007 dated 11.02.2007. Hence, accused is ordered to be summoned through the procedure provided under section 110 BNSS (105 Cr.PC) read with comprehensive guideline issued by aforementioned letter for 10.07.2026. Ahlmad is directed to make compliance in the desired performa.”

6. During the hearing of this petition, learned counsel for petitioner was specifically asked as to whether petitioner would join the proceedings in the aforesaid case FIR No. 11, dated 11.05.2019 by facilitating his travel to India on an emergency certificate with a further liberty to petitioner to apply for re-issuance of passport in accordance with law; however, same was refused by learned counsel for petitioner.

7. It is noticeable that as per Section 6 of 1967 Act, the passport authority can refuse issuance of a passport, travel document etc. on various grounds, contained in Section 6(2)(a) to (i) of 1967 Act and for the purpose of this case, Section 6(2)(g) of 1967 Act would be relevant, which reads as under :-

“6. Refusal of passports, travel documents etc.

(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country

under clause (b) or clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely: -

(a) to (f) xxxxx xxxxx xxxxx

(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court."

8. A perusal of above extracted order dated 03.01.2026, passed by learned Chief Judicial Magistrate, Hoshiarpur would clearly indicate that petitioner has been ordered to be summoned through procedure provided under Section 110 BNSS (105 Cr.PC) and, therefore, in my considered view, no fault can be found with the passport authorities in not issuing passport to petitioner, moreso when petitioner is not willing to join proceedings in aforesaid case FIR No. 11, dated 11.05.2019 by travelling on an emergency certificate.

9. Resultantly, the instant civil writ petition fails and same is accordingly, dismissed.

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

(HARSH BUNGER)
JUDGE

21.01.2026
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No