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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 791/2025 & CRL.M.A. 15992/2025, CRL.M.A. 3973/2026

SH. SANCHIT ALAGH

.....Petitioner

Through: Mr. Gaganmeet Singh Sachdeva, Mr. Harshpreet Singh Chadha and Mr. Hridyesh Khanna, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Rahul Tyagi, ASC for the State.
Mr. Farman Ali, CGSC with Ms. Usha Jamnal, Advocates for R-1.
Mr. Atul Guleria, SPP with Mr. Aryan Rakesh and Ms. Kshipra, Advocates for CBI.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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29.05.2026

The present matter has been listed today i.e., 29.05.2026, since 28.05.2026 was declared a holiday.

CRL.M.A. 3973/2026

Further to the directions issued on 05.02.2026, Mr. Farman Ali, learned CGSC appearing for respondent No.1 - Ministry of External Affairs, Regional Passport Office, Union of India ['MEA (RPO)'] states, that in compliance of those directions, the Ministry of External Affairs has not closed the petitioner's passport application file nor have they issued to him any passport, awaiting further directions of this court.

2. In view thereof, the present application is disposed-of.



W.P.(CRL) 791/2025

3. By way of the present petition filed under Article 226 and 227 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks a direction to the MEA (RPO) to issue to him a passport with a validity of 10 years, thereby setting-aside communication dated 28.01.2025 received from the MEA, whereby they have informed the petitioner that in view of the pendency of criminal cases against him, his application for issuance of passport shall be kept on hold; further explaining *vidé* a subsequent communication dated 31.01.2025 that the petitioner would be required to obtain appropriate orders from the concerned court for permission for him to depart from India.
4. Pursuant to notice issued on the present petition on 07.03.2025, status report dated 25.04.2026 has been filed by respondents Nos. 1 and 2. Reply dated 24.04.2025 has also been filed by respondent No.3/CBI.
5. Mr. Gaganmeet Singh Sachdeva, learned counsel appearing for the petitioner submits, that though respondents Nos. 1 and 2 have relied on GSR570(E) dated 25.08.1993 ('GSR') and Office Memorandum dated 06.12.2024 ('OM'), the reliance so placed is misconceived inasmuch as the petitioner has been admitted to bail *vidé* order dated 17.09.2018 passed in CRM-M-39721/2018 by a Co-ordinate Bench of the Punjab & Haryana High Court, by which order the court has also imposed upon the petitioner a condition that he shall not leave the country without prior permission of that court. Furthermore, Mr. Sachdeva points-out, that the Punjab & Haryana High Court has also imposed a condition that the petitioner would deposit Rs.45,30,000/-



in the court of learned Chief Judicial Magistrate, Chandigarh within 02 weeks, as a condition of bail, which the petitioner has done.

6. Mr. Sachdeva submits, that subsequently the cases against the petitioner were consolidated and transferred to Delhi, whereupon, *vidé* order dated 18.01.2025 passed in Misc. CrI. No. 7/2025, the learned Additional Chief Judicial Magistrate-2-cum-ACJ/RADC, New Delhi has also granted to the petitioner a no-objection for renewal/re-issuance of his passport.
7. Mr. Sachdeva explains however, that the difficulty is that the no - objection for renewal/re-issuance has been granted with a direction to the passport authority to issue to the petitioner a passport “*as per applicable rules*”. Learned counsel submits, that in view thereof, the MEA (RPO) has informed the petitioner that they would only issue to him a passport with a validity of 01 year in compliance with the aforementioned GSR and OM.
8. Mr. Sachdeva submits, that if the validity of the passport is only 01 year, most Embassies and High Commissions will decline visa to the petitioner, since their respective rules require a passport to be valid for at least 06 months beyond the date of entry into those countries.
9. On the other hand, learned CGSC submits, that their decision to issue a passport with a validity of only 01 year is in accordance with the observation of the Supreme Court in ***Mahesh Kumar Agarwal vs. Union of India & Anr.***¹, as also followed by a Co-ordinate Bench of this court in ***Sh. Mukul Mittal vs. Sr. Superintendent Policy***

¹ 2025 SCC OnLine SC 2887



Regional Passport Office passed in W.P.(C) 6612/2025 and connected matters, whereby the position is that where criminal cases are pending against a person, their passport would be issued/renewed only for a period of 01 year *unless* a specific direction is passed by a court.

10. Mr. Ali accordingly submits, that the petitioner should approach the learned ACJM for appropriate directions if he wants a passport of validity of above 01 year.
11. Mr. Sachdeva responds by saying, that such an application was moved but *vidé* order dated 11.02.2025, the request has been declined with the learned ACJM, observing that since by order dated 18.01.2025, that court has already granted a no-objection for renewal/re-issuance of the petitioner's passport as per applicable rules, no further relief can be given to the petitioner.
12. Mr. Sachdeva also points-out, that it requires to be noted that the petitioner finds himself in peculiar circumstances, since FIR No.124/2018 against the petitioner was registered on 24.04.2018 but investigation in the case is still pending despite lapse of *more than 08 years, inter-alia* for the reason that the matter was transferred to Delhi and investigation was handed-over to the CBI.
13. Upon a conspectus of the foregoing, and applying the observations of the Supreme Court in *Mahesh Kumar Agarwal* and the decision of a Co-ordinate Bench of this court in *Sh. Mukul Mittal* and connected matters, and in light of GSR570(E) read with OM dated 06.12.2024, this court is of the view that the appropriate course of action in the present case would be to issue the following directions:



- 13.1. The MEA(RPO) is directed to renew/re-issue to the petitioner, a passport with a *validity period of 05 years*.
- 13.2. However, as a condition of renewal/re-issuance of the passport with a validity of 05 years, it is directed that the passport shall remain in custody of the Investigating Officer of the CBI, who shall hand it over to the petitioner whenever the petitioner needs to travel abroad and take it back once the petitioner returns to India.
- 13.3. Needless to add, that nothing in this order shall amount to modification of any of the conditions that the petitioner is required to comply with, in terms of order dated 17.09.2018 passed by the Punjab & Haryana High Court.
14. It is observed that the present order is being passed considering the long pendency of the investigation in the matter, and the relief granted to the petitioner may not be available in other cases.
15. The present petition is disposed-of in the above terms.
16. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 29, 2026

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