



2026:DHC:832



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment pronounced on: 02.02.2026

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W.P.(C) 6612/2025

SH. MUKUL MITTAL

.....Petitioner

Through: Ms. Vibhooti Malhotra, Mr. Bhuvnesh Satija, Mr. Udit Sharma and Mr. Aniket Khanduri, Advocates.

versus

SR. SUPERINTENDENT POLICY REGIONAL PASSPORT
OFFICE

.....Respondent

Through: Mr. Ashish K. Dixit, CGSC along with Mr. Shivam Tiwari, Mr. Umar Hashmi and Ms. Urmila Sharma, Advocates.
Mr. Sanjay Pal, GP, UOI.

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W.P.(C) 701/2025 and CM APPL.34616/2025

NARINDER CHUGH

.....Petitioner

Through: Mr. Vikas Pahwa, Sr. Advocate along with Mr. Akshay Malik, Ms. Sanskriti Shakuntala Gupta and Mr. Shivanshu Gusain, Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Jivesh Kumar Tiwari, Sr. Panel Counsel and Ms. Samiksha, Advocate for UOI.

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W.P.(C) 1215/2025

HARDEEP SINGH

.....Petitioner

Through: Mr. Prabhjyot Singh, Advocate.

versus



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UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Farman Ali, SPC along with
Mr. Hussain Adil Taqvi and
Mr. Prince Raushan, Advocates.

+ **W.P.(C) 3597/2025**

AMIT AGGARWAL

.....Petitioner

Through: Mr. Varun Sharma, Advocate.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Ms. Radhika Bishwajit Dubey
(CGSC) along with Mr. Vidur
Dwivedi (GP), Ms. Gurleen Kaur
Waraich, Mr. Kritarth Upadhyay and
Mr. Vivek Sharma, Advocates.

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****JUDGMENT**

1. These petitions involve a common issue viz., issuance of passports to persons facing ongoing criminal proceedings.

W.P.(C) 6612/2025

2. The petitioner is challenging the order dated 27.02.2025 passed by the respondent, whereby the petitioner's request for renewal of his passport was rejected. The rejection is founded on the basis that, in the absence of an order from the competent court specifically permitting the petitioner to 'depart from India', his renewal application could not be considered. Order dated 27.02.2025 is reproduced as under –

"In reference to your passport application number DLF070662575025 wherein you have submitted the orders dated 03.02.2025 passed by the Ld. Court of Link Judicial Magistrate First Class 01, Patiala House Courts, New Delhi in connection with File No. 574/CE/159/2019/INV/21442 and Complaint Case No. 9545/2020, this



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office has perused the same and found that the Hon'ble Court has given No Objection if passport is renewed as per rules for the full term of 10 years.

2. It is submitted that in view of Section 6(2)(1) of the Passport Act, 1967, the Passport Authority is empowered to refuse the issuance of a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of Section 5 on the ground that proceedings related to an offense alleged to have been committed by the applicant are pending before a criminal court in India.

3. It is further submitted that Government of India vide gazette notification no. GSR 570 dated 25.08.1993 have granted relief/exemptions to the applicants against whom criminal proceedings are pending before any court of law in India and who produces orders from the court concerned permitting them for departing from India.

4. It is further submitted that vide OM dated 6th December, 2024 issued by PSP Division, M/o External affairs, has clarified inter-alia that there is no such provision for seeking permission/ NOC from the court concerned for issuance of passport; instead it is permission to depart from India.

5. It is further submitted that the Hon'ble High Court of Punjab & Haryana while disposing the civil writ petition no. 1036/2025 title "Baldev Vs UOI & Anr" has held the applicability of abovesaid GSR and inter-alia directed the petitioner therein to approach the concerned Court where the trial is pending in order to seek permission to depart from India and further submit the same to the Passport Authorities. Similarly, in CWP/915/2025 title "Rohtas Vs UOI & Anr" & CWP/3521/2025 title "Surinder Singh Vs UOI & Anr" the Hon'ble High Court of Punjab & Haryana directed the petitioner to approach the concerned court for seeking permission for going abroad in terms of notification dated 25.08.1993 issued by Ministry of External Affairs.

6. It is further submitted that the Hon'ble High Court of Calcutta while disposing WPO No. 353/2024 title "Aditya Sarda Vs RPO & Anr" has inter-alia mentioned that "Sub-Clauses (d) and (e) of Article 19(1) are subject to Article 19(5) which provides that nothing in the said sub-clauses shall affect the operation of any existing law insofar as. it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interest of general public or for for protection of the interest of any Scheduled Tribe. Further, the Hon 'ble Court has upheld the applicability of the aforesaid Notification dated 25.08.1993.



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7. In view of the above, you are therefore, requested to kindly furnish order issued by the court concerned permitting you thereby for travelling abroad, so that, further necessary action in issuing passport, shall be taken in accordance with law."

3. The petitioner holds a passport bearing No. Z7805746 issued on 06.06.2024. The validity of the petitioner's passport was till 05.06.2025. The present controversy regarding (non) renewal of the petitioner's passport emanates from proceedings initiated by the Directorate General of GST Intelligence in 2020. On the alleged ground of non-compliance with certain summons, a criminal complaint (CC No. 9545/2020) under Sections 172, 174, and 175 IPC was filed before the Patiala House Court, New Delhi. Parallely, investigation proceedings under the GST laws were also initiated (File No. 574/CE/159/2019/INV/21442) by Directorate General of GST Intelligence. The petitioner was arrested under Section 69 of the CGST Act on 09.12.2020 and remanded to custody, but was granted bail by the Court on 03.02.2021 subject to conditions, including that he would not leave the country without prior court permission.

4. When the petitioner's earlier passport was due to expire on 20.06.2023, he applied for renewal on 18.12.2023. During processing, the respondent informed him that in light of the pending criminal cases, he was required to obtain a no-objection order from the trial court in accordance with GSR 570. Accordingly, the petitioner moved applications before the Chief Judicial Magistrate, Patiala House Court, in both pending matters. *Vide* orders dated 18.03.2024, the trial court permitted renewal of his passport, in File No. 574/CE/159/2019/INV/21442 without specifying duration, and in CC No. 9545/2020 specifically for ten years. Despite such



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orders, the respondent renewed his passport only for one year, i.e., up to 05.06.2025.

5. Subsequently, the petitioner sought and obtained permission from the trial court to travel abroad between 03.11.2024 and 05.12.2024. The said permission was granted by the Trial Court vide order dated 29.10.2024 and the petitioner was granted permission to travel abroad, subject to certain conditions. It is submitted that the petitioner duly complied with the conditions so imposed and undertook travel in terms of the permission granted. Thereafter, anticipating expiry of his one-year passport, the petitioner once again applied for renewal on 23.12.2024. During the appointment on 29.01.2025, he was again directed to produce a court order. The petitioner accordingly secured orders dated 03.02.2025 from the trial court in both matters, expressly permitting renewal of passport for a period of ten years. Orders dated 03.02.2025 in both pending matters are reproduced as under –

Complaint Case No: 9545/2020
Directorate General of GST Intelligence Vs. Mahesh Mittal

03.02.2025

Present: Mr. P.C. Apparwal, Ld. SPP for DGCI
Mr. Tahir Sharma, Ld. Counsel for Applicant/accused.
Reply filed by Ld. SPP for DGCI.

The present application has been filed seeking 'No objection' for re-issuance of passport to the applicant.

It is stated that previously, vide order dated 18.03.2024, a 'No Objection' was given by the Court for renewal/issuance of the passport to applicant, namely, Mahesh Mittal. It is stated that the passport was renewed only for a period of one year after that and the permission for full term of 10 years is required.

The application is opposed by Ld. SPP for DGCI on the ground that there is an office memorandum dated 06.12.2024 of the Ministry of External Affairs, Government of India, which lays down a condition of production of Court order granting permission to travel abroad for renewal of passport.

Ld. SPP has also opposed the application on the ground that in the present matter, show cause has been issued and adjudication proceedings in to be completed in a time bound manner.

In view of the fact that the prayer of the applicant is only to seek a 'No Objection' for issuance of passport and not a direction per-se, I may suffice to note that this Court has no objection if the passport of the applicant





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is renewed as per rules for the full term of 10 years. Needless to observe, this order shall not be construed as a direction and the passport authority shall be well within its power to decide the application for renewal of passport in accordance with the rules binding the authority, including the office memorandum dated 06.12.2024.

Application stands disposed of accordingly.

As prayed, a copy of this order be given dasti against proper acknowledgment/receipt, as per rules.



Yashdeep Chahal
Yashdeep Chahal
Yashdeep Chahal

(YASHDEEP CHHAL)
 Link Judicial Magistrate First Class-01
 New Delhi District - Patela House Courts
 New Delhi
 Judicial Magistrate, First Class-01
 27 First Floor, Main Building
 Patela House Courts
 New Delhi

File No. 574/CT/159/2019/INV/21442
 Directorate General of GST Intelligence Vs. Mukul Mittal

03.02.2025

Present : Mr. P.C. Aggarwal, Ld. SPP for DGGL

Mr. Udit Sharma, Ld. Counsel for Applicant/accused.

Reply filed by Ld. SPP for DGGL

The present application has been filed seeking 'No objection' for re-issuance of passport to the applicant.

It is stated that previously, vide order dated 18.03.2024, a 'No Objection' was given by the Court for renewal/issuance of the passport to applicant, namely, Mukul Mittal. It is stated that the passport was renewed only for a period of one year after that and the permission for full term of 10 years is required.

The application is opposed by Ld. SPP for DGGL on the ground that there is an office memorandum dated 06.12.2024 of the Ministry of External Affairs, Government of India, which lays down a condition of production of Court order granting permission to travel abroad for renewal of passport.

Ld. SPP has also opposed the application on the ground that in the present matter, show cause has been issued and adjudication proceedings is to be completed in a time bound manner.

In view of the fact that the prayer of the applicant is only to seek a 'No Objection' for issuance of passport and not a direction per-se, I may suffice to note that this Court has no objection if the passport of the applicant

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is renewed as per rules for the full term of 10 years. Needless to observe, this order shall not be construed as a direction and the passport authority shall be well within its power to decide the application for renewal of passport in accordance with the rules binding the authority, including the office memorandum dated 06.12.2024.

Application stands disposed of accordingly.

As prayed, a copy of this order be given dasti against proper acknowledgment/receipt, as per rules.



[Handwritten signature]
n 2/3

(YASHDEEP CHAHAL)
Link Judicial Magistrate First Class-01
New Delhi District : Patila House Courts
New Delhi.
Judicial Magistrate, First Class-01
21 First Floor, Main Building
Patila House Courts
New Delhi

6. It is submitted that despite such clear orders, the respondent passed the impugned order dated 27.02.2025 rejecting the petitioner's application on the wholly misconceived ground that the trial court had not granted him permission to 'depart from India'.
7. Aggrieved by the impugned order, the petitioner filed a detailed representation dated 18.04.2025 before the respondent pointing out the above infirmities and placing reliance on judicial precedents as well as GSR 570. It is submitted that the respondent has not acted upon it till date.

W.P.(C) 701/2025

8. The petitioner in W.P.(C) 701/2025 was convicted and sentenced by the learned Special Judge, Anti-Corruption, CBI, Ghaziabad, vide order/ judgment dated 03.02.2024 under Section 120-B IPC read with Sections 7 and 13(2) of the Prevention of Corruption Act, 1988 for a period of four years simple imprisonment and fine of Rs. 8 lakhs and for offence under Section 12 of the Prevention of Corruption Act, 1988 for a period of two years simple imprisonment and fine of Rs. 4 lakhs.



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9. The petitioner filed Criminal Appeal No. 1773 of 2024 against the said judgment / order dated 03.02.2024 passed by the learned Special Judge, Anti-Corruption, CBI, Ghaziabad.

10. The petitioner was thereafter granted bail by the Allahabad High Court vide order dated 22.07.2024 directing as under:

“9. Let the appellant-appellant-Narinder Chugh, be released on bail in Case Crime No. i.e. R. C. No. RC1202013A0025 of 2013, under Section 120-B IPC and Sections 7, 12, 13(2) read with Section 13(1) (d) of the Prevention of Corruption Act, 1988, Police Station-CBI, ACB Ghaziabad, District-Ghaziabad on his furnishing a personal bond and two securities each in the like amount to the satisfaction of the court concerned.

10. It is, however, provided that the amount of fine awarded by court below shall be deposited by applicant-appellant with the court below within a period of 2 month from the date of his release failing which, the bail granted to applicant-appellant shall stand canceled and he shall be taken into custody at once to serve out the sentence awarded by Court below.”

11. It is submitted that the passport of the petitioner was last issued on 07.05.2018 and was subsequently renewed on 10.07.2019. It was valid up to 09.07.2020.

12. The petitioner approached the Regional Passport Office, Delhi in September 2024 for issuance/renewal of his passport. However respondent no. 2 issued a letter dated 03.09.2024, thereby informing the petitioner as regards the objection to the renewal of the petitioner's passport. The same is reproduced as under –

Subject: **Objectional with reference to your Passport Application Number: DLE070071734494**

Dear Sir,

This is in reference to your Passport application number DLE070071734494 dated 30.09.2024.

Your application is under review regarding short validity passport. You are advised to book enquiry appointment to discuss your case in person with PPO along with all original documents. Enquiry appointments are available on our website www.passportindia.gov.in subject to availability of the slots.

Yours Sincerely,

For Regional Passport Office, Delhi

Signature Not Verified

Digitally Signed By: ROHIT KUMAR PATEL
Signing Date: 03.02.2026 19:27:36

W.P.(C) 6612/2025 and Connected Matters

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13. Thereafter, the respondent no. 2 again issued a letter dated 10.09.2024, to the petitioner thereby stating as under -

Subject: Objection(s) with reference to your Passport Application Number- DLF070071734424

Dear Sir,

This is in reference to your Passport application number DLF070071734424 dated 02/09/2024.

On processing of the Application form, the following shortcomings came to notice:-

your application is under review as an adverse police verification report has been received w
remark...

RC No, 1202013A005

-13 U s 120 & IPC and 7 12 13 (2)13 (1) (D) of POC ACT

P.S. CBI.

...You are advised to book enquiry appointment to discuss your case with pro in person along w
all original documents .Enquiry appointments are available on our website www.passpindia.gov.in subject to availability of the slots.

Yours Sincerely,

For Regional Passport Office, Delhi

14. Subsequently the petitioner filed a representation before the respondent no. 2 for the renewal of it passport. However, the passport was neither issued nor has the petitioner received any communication regarding the fate of his representation.

W.P.(C) 1215/2025

15. In W.P.(C) 1215/2025 the petitioner has submitted that he has been falsely implicated in FIR No. 02/2012 dated 02.05.2012, registered at Police



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Station Vigilance Bureau, SAS Nagar, Punjab. The petitioner was granted bail by the Punjab & Haryana High Court *vide* order dated 18.09.2012.

16. The petitioner was issued Passport No. Z2488175, which remained valid until 20.11.2022. Upon its expiry, he applied for renewal on 11.11.2024 before the Regional Passport Office, New Delhi (respondent no. 2). It is submitted that during the processing of his application, the officers of the said office informed him that since a criminal case was pending against the petitioner, a court order allowing the renewal of the passport shall be submitted before Regional Passport Office.

17. Consequently, the petitioner approached the District and Sessions Court, SAS Nagar, Mohali, seeking permission for renewal of his passport. The Court allowed his application and *vide* order dated 05.12.2024 granted explicit permission for renewal. The relevant portion of the Order dated 05.12.2024 is reproduced as under –

“Keeping in view the fact that accused/applicant is already in possession of the pass-port which has neither been impounded by police and nor any such order was ever passed by the court, the application stands allowed. Accused/applicant is at liberty to seek renewal of pass-port from the competent authority, if the same is permissible under the provisions of the Passport Act. It is further made clear that present order shall not be construed as permission to the 'applicant to travel abroad. Applicant shall seek prior permission from the court before travelling abroad. Application stands disposed of accordingly.”

18. However, despite the said order being placed on record, it is submitted that the respondent no. 2 rejected the petitioner's renewal application through its reply/letter dated 23.12.2024. The reason cited was that the petitioner must obtain a specific order permitting him to 'depart from India'. Reply/letter dated 23.12.2024 is reproduced as under –

“This is in reference to your application vide file number DL5070347905224 for issuance of passport.



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2. It has been noticed that a criminal proceeding [FIR no. 02 /20 12] is pending against you before the Hon'ble Court of ASJ/JSC/SAS Nagar.

3. It is informed that Section 6(2)(1) of the Passports Act, 1967 states that the passport authority shall refuse to issue a passport or travel document to an applicant on the ground that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India. GSR S70(E) dated 25.08.1993 was introduced to give relief to such applicants against whom criminal proceedings are pending before any court of law in India and produces orders from the court concerned permitting them for departing from India.

4. It is informed that vide OM dated 6th December, 2024 issued by PSP division, M 10 External affairs, has further clarified in the OM dated 10th October, 2019 and has mentioned inter-alia that there is no such provision for seeking permission NOC from the court concerned for issuance of passport; instead it is permission to depart from India.

5. Therefore, you are advised to submit a copy of orders from the court concerned permitting you to depart from India, enabling us to take further necessary action in terms of the provisions laid down under section 5 & 6(2)(1) read with the GSR 570(E) dated 25.08.1993 as per law."

W.P.(C) 3597/2025

19. The petitioner in the present petition seeks a direction that the respondent no.2 (Regional Passport Office, New Delhi) be directed to renew the petitioner's passport bearing no. B7415827 for a period of ten years. Further, the petitioner assails the order dated 23.12.2024 passed by the JMFC/ Mahila Court 2, North West District, Rohini, Delhi in the matter titled *State v. Amit Aggarwal & Ors.*(FIR No. 538 of 2020). The said order reads as under:-



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23.12.2024

I am also looking after the work of Ld. Link JMFC.

Present: Ld. APP for the State.

Sh. Varun Sharma, Ld. Counsel for the applicant / accused Amit Aggarwal through VC.

This is an application seeking no objection for renewal of passport of accused Amit Aggarwal bearing no. B7415827. It is pertinent to note that a prior application seeking the same relief has been allowed by this court. Accordingly, this court has no objection if the accused wishes to renew his passport bearing no. B7415827, as per rules. However, it is again clarified that the accused shall not leave the country without prior permission of this court. Application is disposed of accordingly. Application be tagged along with the main matter.

Copy of this order be given dasti.

20. It is the case of the petitioner that on an earlier occasion, an order dated 01.12.2023 was passed by the said Court recording that the Court “has no objection if the applicant wishes to apply for renewal of his passport as per rules”. It is submitted that thereafter, the petitioner’s passport was renewed on 04.01.2024 but was made valid only up to 03.01.2025. This impelled the petitioner to file an application dated (dated 01.12.2024) before the concerned Court seeking that the Passport Authorities be directed to renew the passport for a period of nine years, as per Rule 12 of the Passport Rules, 1980. Despite the aforesaid application, the concerned Court *vide* order dated 23.12.2024, omitted to clarify/ direct that the petitioner was entitled to renewal of his passport for a longer period.

21. The petitioner is also aggrieved by the fact that even the directions contained in the order dated 23.12.2024 were not complied with, and a letter dated 16.01.2025 was issued by the Regional Passport Office, Delhi, refusing renewal of the petitioner’s passport. The said letter reads as under:-



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ANNEXURE-A

GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE, DELHI

[Hudco Trikot-II, Bhikaji Cama Place, R.K. Puram, New Delhi- 110066]

Dated: 16/01/2025

Ref. No.: 01/11/RPO Delhi/Court/Policy/ DL2070515305424

Sh. AMIT AGGARWAL S/o Sh. ARUN AGGARWAL
R/o: F-5/4, FIRST FLOOR, MODEL TOWN-2, NORTH WEST DELHI - 110009, DELHI.

Sub: Issuance of passport-reg.

Dear applicant,

This is in reference to your application vide file number DL2070515305424 for issuance of passport.

2. It has been noticed that a criminal proceeding [FIR No.538/2020] is pending against you before the Hon'ble Court of JMC/Mahila Court -02/N/W Dist./Rohini/Delhi.

3. It is informed that Section 6(2)(f) of the Passports Act, 1967 states that the passport authority shall refuse to issue a passport or travel document to an applicant on the ground that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India. GSR 570(E) dated 25.08.1993 was introduced to give relief to such applicants against whom criminal proceedings are pending before any court of law in India and produces orders from the court concerned permitting them for departing from India.

4. It is informed that vide OM dated 6th December, 2024 issued by PSP division, M/o External affairs, has further clarified in the OM dated 10th October, 2019 and has mentioned inter-alia that there is no such provision for seeking permission/ NOC from the court concerned for issuance of passport; instead it is permission to depart from India.

5. Therefore, you are advised to submit a copy of orders from the court concerned permitting you to depart from India, enabling us to take further necessary action in terms of the provisions laid down under section 5 & 6(2)(f) read with the GSR 570(E) dated 25.08.1993 as per law.

Yours faithfully,


(Neeraj Dahiya)
Senior Superintendent (Policy)
Regional Passport Office, Delhi

22. Hence, it is sought that the action of the respondent no. 2 in refusing to renew the petitioner's passport be declared illegal. A further direction is sought that the respondent no.2 (Regional Passport Office, New Delhi) be directed to renew the petitioner's passport for a period of ten years.

ANALYSIS AND CONCLUSION

23. Section 6 of the Passport Act, 1967 envisages refusal of a passport, *inter-alia*, on the ground of pendency of criminal proceedings. Section 6 of the said Act reads as under:

"6. Refusal of passports, travel documents, etc.—(1) Subject to the other



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provisions of this Act, the passport authority shall refuse to make an endorsement 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) that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India;

(b) that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;

(c) that the presence of the applicant in such country may, or is likely to, prejudice the friendly relations of India with that or any other country;

(d) that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.

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

(a) that the applicant is not a citizen of India;

(b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;

(c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

(d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;

(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

(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;



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(h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

(i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.”

24. As can be seen, Section 6(2)(f) specifically mandates refusal to issue a passport on the ground that “proceeding in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India.”

25. Under Section 22 of the Passports Act, 1967, the legislature has empowered the Central Government to carve out an exception to the restrictions imposed by the aforesaid statutory provisions. The said Section reads as under:

“22. Power to exempt.—Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification,—

(a) exempt any person or class of persons from the operation of all or any of the provisions of this Act or the rules made thereunder; and

(b) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons to the operation of such provisions.”

26. The Central Government, being conscious of the right to travel as a facet of Article 21 of the Constitution of India, exercised its powers under Section 22 and published Notification GSR 570(E) dated 25.08.1993 in the official Gazette. The same is reproduced hereunder:

“GSR 570(E)-exercise of the powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (15 of 1967) and suppression of the notification of the Government of India in the Ministry of External Affairs No GSR 298(E) dated the 14 April 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India



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against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (1) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely

(a) The passport to be issued to every such citizen shall be issued:-

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued: or

(ii) If no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year,

(iii) if such order given permission to travel abroad for a period less than one year but does not specify the period validity of the passport, the passport shall be issued for one year,

(iv) such order given permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for a period of travel abroad specified in the order.

(v) any passport issued in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant had not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified,

(vi) any passport issued in terms of (a)(i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad:

(vii) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.

[No. VI/401/37/79]

L.K. PONAPPA, Jt. Sect. (CPV)"

27. Thus, in terms of GSR 570(E) dated 25.08.1993, any individual facing criminal proceedings is exempted from the restriction imposed under



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Section 6(2)(f), subject to the conditions enumerated therein.

28. In pursuance of the aforesaid GSR 570 (E) dated 25.08.1993, Notification No. VI/401/1/5/2019 dated 10.10.2019 was issued prescribing the procedure to be followed for applications under Section 6(2)(f). As per the said notification, the applicant is required to submit a “No Objection Certificate” (NOC) from the concerned Court seeking leave to depart from India, along with an undertaking to the Passport Authorities disclosing all pending criminal cases. Thereafter, Police Verification (PV) shall be conducted by the police authorities and subject to the police verification report, the passport authorities may issue or reject issuance of the passport by recording reasons.

29. The notification further clarifies that the mere registration of FIRs or pendency of investigation does not fall within the ambit of Section 6(2)(f). Criminal proceedings can be said to be pending against an applicant only where a case has been instituted before a court of law and the court has taken cognizance thereof. The said notification dated 10.10.2019 reads as under:-



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ANNEXURE R-3

No. VI/401/1/5/2019
Government of India
Ministry of External Affairs
PSP Division

Patiala House Annexe, Tilak Marg
New Delhi, the 10th October 2019

OFFICE MEMORANDUM

Subject: Issue of passports to applicants against whom criminal cases are pending before a court of law in India.

Reference is invited to Notification No. GSR 570(E) dated 25.8.1993 regarding issuance of passports to applicants who have criminal proceedings pending against them and whose applications would attract the provisions of clause (f) of sub-section (2) of Section 6 of the Passports Act, 1967.

2. GSR 570(E) dated 25.8.1993 is reproduced below for reference:

GSR 570(E) – In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No. GSR 298(E) dated the 14th April 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a) the passport to be issued to every such citizen shall be issued—

- (i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or*
- (ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year;*
- (iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year;*
- (iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.*

(b) any passport issued in terms of (a)(ii) and (a)(iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;



(c) any passport issued in terms of (a)(i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.

3. It may be noted that applicants may be refused passports only on grounds mentioned under Section 6(2) of the Passports Act, 1967. Section 6(2)(f) of the Act states that the passport authority shall refuse to issue a passport or travel document to an applicant on the ground that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India. GSR 570(E) dated 25.8.1993 was introduced to give relief to such applicants against whom criminal proceedings are pending before any Court of law in India but who may need to travel abroad for some urgent business. With an undertaking under GSR 570(E) and an order from the Court, an applicant could be issued a short validity passport of one year validity or for the period specified by the Court.

4. It has been noticed that there are an increasing number of references being received regarding passport applications attracting Section 6(2)(f). It has also been brought to Ministry's notice that there are a number of complex issues involved while processing such applications. During the proceedings in a recent court case, the Hon'ble High Court of Delhi in W.P. (CRL) No. 2844/2018 /CRL.M.A 48674/2018 has directed that guidelines be issued by the Ministry reiterating the procedure for processing of such applications and emphasizing that such applications need to be processed with due care and diligence.

5. In view of the above, the following instructions may be adopted while processing the passport applications in respect of those applicants who may have criminal proceedings pending before a criminal court in India:

- (i) The provisions of GSR 570(E) may be strictly applied in all cases. GSR 570(E) is a statutory notification and hence forms part of the Rules. It is to be noted that as per Section 5(2) of the Passports Act, 1967, the passport authority shall by order in writing take a decision whether to issue or refuse a passport, after making such inquiry, if any, as it may consider necessary. Moreover, Section 7 of the Passports Act, provides that a passport or travel document may be issued for a shorter period than the prescribed period if the passport authority, for reasons to be communicated in writing to the applicant, considers in any case that the passport or travel document should be issued for a shorter period. Rule 12 of the Passport Rules, 1980 only states that an ordinary passport shall be in force for a period of 10 years which implies that an ordinary passport cannot be issued beyond a period of 10 years.
- (ii) Whenever an applicant is submitting a 'No Objection Certificate' (NOC) from a Court of law in India, the applicant should be advised that undertaking as per GSR 570(E) should be complete in all respects and should mention all the pending criminal cases against the applicant. The undertaking will have a note



clearly stating that if any false or incomplete information is submitted by an applicant, then his passport application is liable to be rejected.

- (iii) Extant instructions clearly lay down that such applications should be processed on pre-Police Verification (PV) mode. "Pre-PV" would be mandatory in all cases of applications submitted with GSR 570(E) to ensure that the undertaking submitted by the applicant is properly matched with the criminal cases mentioned in the Police Verification Report (PVR). Hence, such applications should not be accepted under Tatkaal nor such applications be moved to "post-PV" mode or "No-PV" mode without proper justification and approval to be recorded in writing.
- (iv) If an undertaking is incomplete or misleading and the applicant is found to have suppressed details of other criminal cases against the applicant, a Show Cause Notice should be issued to the applicant and action initiated against that applicant as per provisions of Section 12 of the Passports Act, 1967. If information that an applicant has obtained a passport by making a false submission or by suppressing material facts comes to light after the passport has been issued, the passport may be impounded or revoked as per provision of Section 10(3) (b) of the Passports Act, 1967, after following the due procedure.
- (v) In case where the first Police Verification(PV) is 'Adverse', secondary police verification may be generated. While a secondary PV is generated, it should be accompanied by a detailed letter seeking clarification regarding the pending criminal cases against the applicant and the status of these cases. Apart from generating secondary PVR, the passport officers may, if considered necessary, call for discreet enquiry through the police authorities by sending the court order submitted by the applicant or even seek verification from other government agencies/departments, as the case may be.
- (vi) In case where the secondary Police Verification is also 'Adverse', it may be examined whether the details brought out in the police report match the undertaking submitted by the applicant. It may be noted that mere filing of FIRs and cases under investigation do not come under the purview of Section 6(2)(f) and that criminal proceedings would only be considered pending against an applicant if a case has been registered before any Court of law and the court has taken cognizance of the same.
- (vii) If the details given in the police report and the undertaking submitted by the applicant are matching, then the 'No Objection Certificate' issued by a Court of law submitted by the applicant would take precedence over any 'Adverse' report submitted by the police. In such cases, the 'Adverse' report may be overruled with the written approval of the Passport Officer.
- (viii) If the details given in the PVR and the undertaking submitted by the applicant are at variance, then a notice may be issued to the applicant calling for clarification and advising the applicant to submit details of all pending criminal cases as well as to submit a revised No Objection Certificate (NOC).



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- (ix) If it is brought to the notice of the authority that an applicant has criminal proceedings arrayed against applicant before several courts of law, then the applicant may be advised to get NOC from all the concerned court(s). Normally, the Court Order would make a mention of the cases pending against the applicant as well as the prayer made by the applicant. This may be examined along with the undertaking submitted by the applicant and complaints or other court orders, if any, that may have been received against the applicant.
- (x) It may be noted that GSR 570(E) only exempts an applicant from the operation of Section 6(2)(f) and none of the other sub-sections of Section 6(2) of the Passports Act, 1967.
- (xi) A revised Undertaking under GSR 570(E) is attached at Annexure 'A'.
- (xii) Passport Officers may issue an internal SOP along the above lines so that there is no confusion in handling of applications that would attract provisions of section 6(2)(f) of the Passports Act, 1967.
6. The above instructions may be noted for strict compliance with immediate effect.


(Arun Kumar Chatterjee)
Joint Secretary (PSP) &
Chief Passport Officer

All Passport Issuing Authorities in India and Abroad

30. Again, an Office Memorandum dated 06.12.2024 was issued by the Ministry of External Affairs, through its PSP Division, purporting to 'clarify' that there is no legal provision requiring an applicant to obtain permission/ No Objection Certificate (NOC) from the concerned Court for the issuance/ re-issuance of a passport. Instead, the applicant is required to obtain permission from the concerned Court specifically to depart from India. The Office Memorandum dated 06.12.2024, issued by the Ministry of External Affairs through its PSP Division reads as under:-



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ANNEXURE R-7

No.VI/405/04/08/2024
Government of India
Ministry of External Affairs
(PSP Division)

Patiala House Annexes, Tilak Marg
New Delhi 6th December 2024

OFFICE MEMORANDUM

Subject: Processing of the passport applications of the applicants having pending criminal case/proceedings

A number of references are being received regarding issuance of passports to applicants having pending criminal cases/on going criminal proceedings. To simplify processing of such applications a circular was issued on 21st August 2014 prescribing specific guidelines to attend such cases. Considering the receipt of significant number of such cases and to maintain uniformity in attending all such cases by various PIAs, a need is felt to reiterate these guidelines.

2. The Passports Act 1967 (the Act) was enacted by the Parliament to regulate the issuance of passports. Section 6 of the Act, clearly defined the grounds on which passport or travel document can be refused to an applicant. Further, Section 6(2)(f) of the Act particularly specifies that Passport Authority shall refuse to issue a passport or travel document for visiting any foreign country in case proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India.

3. Section 22 of the Act stipulates that *"where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to the such conditions, if any, as it may specify in the notification (a) exempt any person or class of persons from the operation of all or any of the provision of the Act or the rules made thereunder; and (b) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons to the operation of such provisions.*

4. The Central Government exercising the power conferred by Section 22 of the Passports Act, 1967 published the Official Gazette [GSR 570(E) dated 25.08.1993] exempted citizens of India who are facing criminal proceedings, from the operation of Section 6(2)(f) of the Act, subject to the following conditions :-

- (i) who produce orders from the court concerned permitting them to depart from India;
- (ii) Passport validity of such passport applications : (a) For the period specified in order of the court (b) if no period either for the issue of the passport or for the travel abroad is specified ,the passport shall be issued for a period of one year (c) if such order gives permission to travel abroad for a



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period less than one year, but does not specify the period validity of passport shall be issued for one year (d) if such order gives permission to travel abroad for a period exceeding one year, the passport shall be issued for the period of travel abroad specified in the order;

- (iii) The said citizen shall give an undertaking in writing to the Passport Issuing Authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.

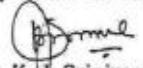
5. The said Gazette Notification is available on the passport portal and can be seen at <https://passportindia.gov.in/> → Passport Act and Rules- Notifications → Issue of Passport during pendency of Criminal case.

6. As prescribed at para 4(iii) above and in GSR 570(E), such applicant is required to submit permission of the Court concerned to depart from India as well as an undertaking in writing on plain paper. The performa of undertaking can be seen at https://passportindia.gov.in → Forms and Affidavit → Undertaking as per GSR 570 (E).

7. Whenever any applicant against whom proceedings before a criminal court is pending, approaches any PIA for the passport services, a copy of Gazette notification and undertaking performa can be provided to him/her with a covering letter informing him/her to fulfil the requirements prescribed in the Gazette Notification. On submission of the same, as outlined at Para 4(i) & 6 above, his/her passport application may be processed as per the provisions of the GSR 570(E) dated 25.08.1993.

8. It may be noted that there is no such provision for seeking permission/NOC from the court concerned for issuance of passport; instead it is permission to depart from India. In case the applicant is unable to provide the prescribed documents, PIA may issue a refusal order under Section 6 of the Passports Act, 1967 prescribing provisions for appeal.

9. If there is a court order prohibiting the departure of applicant from India, PIA may issue refusal order accordingly, as prescribed under Section 6(2)(g) of the Passports Act, 1967. Needless to mention that the other documents / requirements as applicable to other passport applicants are also required to be sought.


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To,
All Passport Issuing Authorities in India



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31. It can be seen that there is a lack of consistency/ clarity in the application of GSR 570(E), and this was one of the reasons which impelled the respondent/s to issue clarificatory notifications/Office Memorandums from time to time. Different judicial pronouncements by different High Courts across the country have also, occasionally, taken divergent views on the subject, as is evident from the judgments cited on behalf of the petitioners and the respondents respectively.

32. In particular, it has been noticed that in certain cases-

(i) the passport is not issued despite court orders granting an “NOC” for issuance / renewal of passport on the basis that GSR 570(E) contemplates that the Court should grant “permission to depart”, and in the absence of this phraseology, the benefit of GSR 570(E) is not afforded to the applicant.

(ii) there is inconsistency as regards the tenure for which the passport is renewed, even when permission is granted by the Court.

33. The controversy has now been put to rest in terms of a definitive and authoritative judgment of the Supreme Court in ***Mahesh Kumar Agarwal v. Union of India & Anr.***, 2025 INSC 1476,. In the said case, the following principles have been laid down:-

- i. It has been noted that GSR 570 (E) accords recognition to the fact 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 the issuance or use of the passport and where the applicant furnishes an undertaking to appear before the Court as and when required.



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- ii. GSR 570(E) structures the exercise of the aforesaid exemption by tying the validity and use of the passport to the terms of the Courts order.
- iii. Where the Court specifies the period for which the passport is to be issued, the passport authority must honour that period.
- iv. Where the Court does not stipulate any period, in terms of GSR 570(E) read with the notification dated 10.10.2019 and the Office Memorandum dated 06.12.2024, the default position is that the passport should ordinarily be issued for a period of one year. The period of validity can be anchored either in the court's order or in the default period mentioned in the notification/s.
- v. The Notification dated 10.10.2019 and the Office Memorandum dated 06.12.2024 do not create a new regime, they only explain the procedure that is required to be adhered to when criminal cases are pending.
- vi. It is untenable for the passport authorities to insist that the Criminal Court must grant a permission to "depart from India" for specified dates as a jurisdictional pre-condition for the re-issuance of the passport.
- vii. In a situation where Criminal Courts, with full knowledge of the pending proceedings, consciously allow renewal subject to the condition that the applicant shall not travel abroad without the permission of the Court, the underlying concern of Section 6(2)(f) is adequately addressed under judicial supervision. To refuse renewal on the speculative apprehension that the applicant might misuse the passport is, in effect, to second-guess the criminal courts' assessment



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of risk and to assume for the passport authority a supervisory role which the statute does not envisage.

- viii. Where the conditions of bail already stipulate that the applicant shall not leave the country without prior permission of the concerned Court, and the same Court thereafter grants no objection to renew 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.
- ix. The Supreme Court also approved the order dated 04.09.2023 passed by this Court in CRL.M.A. No.21988/2023 in Criminal Appeal No.189 of 2022, whereby renewal of the passport was directed for a period of ten years, in the backdrop of the fact that the applicant had been convicted but the sentence was suspended, with a direction that the applicant shall not leave the country without the permission of the Court.
34. The relevant observations of the judgment ***Mahesh Kumar Agarwal Vs. Union of India & Anr.*** (supra), are reproduced as under:-

“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



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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)(1), Section 22 and GSR 570(E), and cannot add to or cut down the exemption which the notification itself grants.

12. Proceeding on the same assumption as the Calcutta High Court, we are prepared to treat re-issue of an expired ordinary passport as referable to Section 5 and subject to Section 6(2)(f). Even on that footing, the question is whether the embargo under Section 6(2)(f) remained absolute in the appellant's case, or stood relaxed by virtue of the orders passed by the Delhi High Court and the NIA Court, Ranchi, which brought him within the exempted class recognised in GSR 570(E). In our view, once the criminal courts, with full knowledge of the pending proceedings, consciously allowed renewal subject to the condition that the appellant shall not travel abroad without their permission and, in the case of the NIA Court, required redeposit of the renewed passport, the underlying concern of Section 6(2)(f) stood adequately addressed under judicial supervision.

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14. We are also unable to agree with the view that the appellant could not fall within GSR 570(E) because the NIA Court did not itself mention "ten years" in its order. The appellant's application before that court specifically sought renewal for ten years. The NIA Court granted no objection for renewal, released the passport for that limited purpose, directed redeposit after renewal and prohibited the appellant from obtaining any visa or travelling abroad without its permission. The Delhi High Court, dealing with the conviction in the CBI case, then expressly held that there was no basis to deny renewal "for a regular period of ten years" and granted permission accordingly, while continuing the condition that the appellant shall not leave the country without its permission. Read together, in the manner envisaged by the OM dated 10.10.2019, these orders supply both the requisite judicial permission and a clear indication of the period of validity. In such circumstances, the Passport Authority and the Calcutta High Court were not



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justified in treating Section 6(2)(f) as continuing to operate in full force so as to deny renewal altogether.

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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19. Moreover, Section 6(2)(f) speaks of "proceedings in respect of an offence alleged to have been committed" and is directed at the pre-conviction stage. Once there is a conviction, the situation falls, if at all, within Section 6(2)(e), which uses a different threshold and language. The Delhi conviction, therefore, could not have been used to reinforce a bar under Section 6(2)(f).



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In any event, the Delhi High Court, fully conscious of the conviction and sentence, has itself granted no objection for renewal for ten years, while retaining its control over travel.

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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.



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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."*

35. Notably, the Supreme Court in ***Mahesh Kumar Agarwal vs. Union of India & Anr.*** (supra) has held that Section 6(2)(f) and GSR 570(E), read with the (Office Memorandums/ notifications issued to clarify the said GSR) cannot be read so as to convert 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. It is also evident that where permission is granted by the court for renewal of a passport, even if the same is expressed in generic terms and not in the exact phraseology used in GSR 570 (E), the same shall be construed as satisfying requirements of GSR 570 (E). In such a situation, the passport shall be renewed for the period directed by the Court where the period is not specified by the Court, the passport would be renewed for a period of one year in terms of GSR 570 (E) read with the above mentioned notifications and the office memorandum.

36. Applying the aforesaid legal position, as enunciated in ***Mahesh Kumar Agarwal Vs. Union of India & Anr.*** (supra), to the facts of the present cases, it is evident that in W.P.(C) 701/2025, although bail has been granted to the petitioner in the appellate proceedings arising from his conviction, the Court has not issued any specific directions with respect to



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the issuance or renewal of a passport, nor granted a “No Objection Certificate” / permission to depart for that purpose. Accordingly, it would be incumbent upon the petitioner to move an appropriate application before the concerned Court seeking such permission.

37. In contrast, so far as the petitioners in W.P.(C) 6612/2025, W.P.(C) 1215/2025 and W.P (C) 3597/2025 are concerned, it is noted that in these cases, specific orders have been passed by the respective trial courts, expressly permitting the renewal of their passports during the pending proceedings. In view thereof, the concerned passport authorities are directed to renew their passports in accordance with law, duly taking into consideration the trial courts’ orders expressly granting such permission.

38. The passport shall be renewed for the period specified in the Orders dated 03.02.2025 in W.P.(C) 6612/2025. Since no specific period / terms of renewal have been mentioned in the order dated 05.12.2024 in W.P.(C) 1215/2025 and order dated 23.12.2024 in W.P (C) 3597/2025, the passport shall be renewed only for a period of one year, as contemplated in GSR 570 (E) read with notification dated 10.10.2019 and Office Memorandum dated 06.12.2024. However, it shall be open to the petitioner to move an application before the Trial Court seeking that the passport be renewed for a longer period. Any order that may be passed by the said Trial Court on such an application shall necessarily be binding on the passport authorities.

39. These petitions are disposed of in the above terms.

SACHIN DATTA, J

FEBRUARY 2, 2026/cl, sv, uk