



[2024:RJ-JD:36403]

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 5870/2024

Abhayjeet Singh S/o Balvinder Singh, Aged About 42 Years, 06
Ob, P.s. Kesrisinghpur, Tehsil Karanpur, Distt. Sriganganagar.

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Nishant Bora.

For Respondent(s) : Mr. H.S. Jodha, P.P.

HON'BLE MR. JUSTICE ARUN MONGA**Order****02/09/2024**

1. Petitioner herein seeks appropriate directions to the respondent state for enabling him to apply and renew his passport for a period of 10 years instead of one year. Needful is not being done by the prosecution due to ongoing criminal proceedings against him.
2. The petitioner is an under trial in proceedings arising from a matrimonial dispute, which led to the registration of FIR No. 239/2012 dated 08.10.2012 at Police Station Kesrisinghpur under Sections 498-A, 406, and 323 of the IPC. Usual allegations regarding dowry demands and cruelty have been made by his wife against him.
3. The trial court has framed charges against the petitioner (husband) and his parents (father-in-law and mother-in-law of the complainant). Challenging the charges, a revision petition was filed by the petitioner and his parents before the Additional Sessions Court, Srikanpur. The revisional court, by an order



dated 23.03.2016, quashed the charges against the petitioner's parents but upheld the charges against the petitioner.

4. Aggrieved, the petitioner has filed S.B. Criminal Misc. Petition No. 999/2016 before this Court, which remains sub judice with a stay granted by a co-ordinate bench on the charges framed against the petitioner. Trial has thus not commenced beyond the stage of framing of charges.

5. The petitioner subsequently applied for his passport, but the application was not processed as the respondent/prosecution did not issue the requisite "no objection certificate (NOC)" in his favor. Aggrieved, he then filed S.B. Criminal Misc. Petition No. 3073/2020 seeking appropriate directions. His petition was disposed of by an order dated 08.12.2020, directing the issuance of a passport in accordance with the law. Despite this, the passport was not issued, prompting the petitioner to file yet another S.B. Civil Writ Petition No. 13773/2023. This petition was disposed of by a Coordinate Bench of this Court on 16.10.2023, directing that his application for renewal of the passport be decided in accordance with the previous order dated 08.12.2020.

6. Eventually, the petitioner though has been issued a passport, but with a validity of only one year (from 02.08.2024 to 01.08.2025). Dissatisfied, the petitioner has once again approached this Court, seeking the issuance of a passport with the full 10 year validity as stipulated under the Passport Rules, 1980. It is thus borne out that petitioner has already had multiple foray of lis before this Court to get a valid passport issued for him.

7. Arguments heard.



8. First and foremost, for ready reference relevant extract of Rule 12 of the Passport Rules, 1980, is as below:

"12. Duration of passports or travel documents. –

(1) An ordinary passport for persons other than children below the age of 15 years, containing thirty-six pages or sixty pages shall be in force for a period of 10 years from the date of its issue...."

9. A plain reading of the aforementioned rule clearly establishes that a citizen is entitled to be issued a passport with a minimum validity of 10 years.

10. Trite law it is that right to travel is intrinsically contained in the right to earn a livelihood. Courts have consistently upheld this as a fundamental right, subject of course to reasonable restrictions. The petitioner, who is primarily a farmer cultivating 'Kinnu' in his orchards, exports some of his produce to Saudi Arabia and has established business relations there. He seeks to travel abroad to further these business interests.

11. It is also acknowledged position that a short-term passport validity poses practical difficulties in obtaining visas from certain countries. Whether the passport is valid for one year or ten years does not materially affect the allegations against the petitioner regarding potential absconding. Thus the renewal of his passport for the full 10-year duration would not in any case prejudice the respondent or the complainant.

12. Moreover, the petitioner has not been convicted of any offense; he is merely facing charges. Under the law, he is presumed innocent until proven guilty. The restrictions imposed on his passport validity appear to pre-emptively punish the petitioner, undermining the principle of presumption of innocence enshrined



in Article 21 of the Constitution of India. Denying a 10-year passport validity without cogent reasons amounts to an arbitrary restriction on this right and does not align with the principles of justice, equity, and fairness.

13. There is no substantive evidence or reasonable apprehension expressed or presented before this Court that the petitioner poses a flight risk or that he intends to abscond from the legal proceedings. His established business ties in India, particularly in agriculture, further negate the possibility of him absconding. Not only that, it transpires that he has his parents also residing in India with him who are his dependents.

14. As an agriculturist involved in the export of 'Kinnu' produce to Saudi Arabia, the petitioner's ability to travel internationally, be it Saudi Arabia or any other country, is directly linked to his livelihood and economic stability. There is no gainsaying that restriction of a one-year passport validity places an undue burden on his business operations, affecting not only his income but also the livelihoods of those employed under him.

15. The Passport Act, 1967, and the Rules framed thereunder do not provide for arbitrary reduction in the validity period of a passport for individuals not convicted of any offense. The issuance of a one-year passport, in this case, appears to lack any statutory backing and thus, contravenes the provisions of the Passport Rules.

16. Requiring the petitioner to frequently renew his passport every year not only places an undue burden on him but also on judicial and administrative resources, leading to unnecessary litigation and wastage of public funds and time.



17. As regards the pending proceedings against the petitioner, the issuance of a 10-year passport will not impede the ongoing criminal proceedings in any way. The petitioner has demonstrated his commitment to attend court hearings and comply with all court directives. Proper conditions can be imposed to ensure his appearance, such as requiring prior court permission for international travel.

18. In the premise, competent authority of the respondent state is directed to issue the pre requisite "NOC" within a period of 30 days of the petitioner approaching it with web-print of the instant order so as to enable him to apply for a passport with the standard 10-year validity.

19. As an upshot of my discussion, the petition is allowed in above terms. However, it is clarified that the petitioner shall abide by the bail conditions each time he travels abroad and he must comply with any other conditions, if any, imposed by the learned trial court.

20. Pending application, if any, also stands disposed of.

(ARUN MONGA),J

115-Sumit/-

Whether Fit for Reporting: Yes / No