

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

S.B. Criminal Misc(Pet.) No. 1420/2026

Arun Kumar S/o Shri Jagdish Prasad Mali, Aged About 22 Years,
Resident Of Ward No.7, Village Bidasar, Police Station Bidasar,
District Churu (Raj).

-----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Regional Passport Officer, Jaipur, regional Passport Office,
Jaipur, J-14 Jhalana Industrial Area, jhalana Doongri,
Jaipur-302051.

-----Respondents

For Petitioner(s)	:	Mr. Tarun Dudia Mr. Rohit Singh
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP Ms. Pintu Pareek

HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

26/02/2026

1. The instant criminal misc. petition is filed on behalf of the petitioner seeking issuance/renewal of his passport.
2. Learned counsel submitted that the petitioner earlier held a passport issued to him in 2011, which he utilized frequently for traveling abroad in order to earn his livelihood. However, in consequence of a criminal case arising out of FIR No.38/2016, Police Station Bidasar, District Churu registered against the petitioner, coupled with the expiration of his earlier passport which was valid till 28.06.2021, he has been unable to secure its re-issuance and as a result, he has been deprived of his means of livelihood.

3. Learned counsel for the petitioner submitted that the petitioner wishes to go abroad to earn his livelihood. Learned counsel further submitted that the petitioner is seeking benevolence of this Court for the issuance of direction regarding issuance/renewal of his passport. Hence, the instant petition.

4. In an identical matter, the Coordinate Bench of this Court has elaborately discussed the issue in the case of **Abhayjeet Singh Vs. State of Raj. (SB CRLMP No.5870/2024)** decided on **02.09.2024**. This Court would like to follow the same ratio so as to maintain judicial discipline and consistency. The order above reads as under:-

"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 10years.*

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."*

5. The petitioner obtained a passport in the year 2011 which he used to travel abroad in order to earn his livelihood and now

depriving him of an opportunity to earn livelihood would surely amount to infringement of his fundamental rights which is otherwise guaranteed by the Constitution.

6. In view of the above, the instant petition is allowed.

7. It is directed that the pendency of criminal case arising out of FIR No.38/2016, Police Station Bidasar, District Churu shall not be taken as an impediment in issuance/renewal of the passport in favour of the petitioner for 10 years, in accordance with the Passports Act, 1967.

8. The passport authority shall issue/renew the passport in favour of the petitioner, ignoring the fact of the criminal case mentioned above.

9. The stay petition is disposed of.

(CHANDRA SHEKHAR SHARMA),J