

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

S.B. Criminal Misc(Pet.) No. 2299/2026

Harish Sancheti S/o Late Shri Umraomal Sancheti, Aged About 51 Years, Resident Of E -84, Cox Cutir, Shastri Nagar, Jodhpur, Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Pp
2. Regional Passport Officer, Aged About 51 Years, Regional Passport Office Jaipur

-----Respondents

For Petitioner(s)	:	Mr. Divyanshu Choudhary
For Respondent(s)	:	Mr. Vikram Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

25/03/2026

Learned counsel for the petitioner has partially agreed with the order dated 08.04.2025 passed by the learned Metropolitan Magistrate No.7, Jodhpur by which the permission was granted for issuance of the passport but, however it is stated that as no time frame has been given, the passport authority will issue the passport only for a limited period of one year as per the circular. He submits that pendency of the present criminal case cannot be an impediment for getting a passport for regular terms of ten years.

Therefore, the petitioner makes a limited prayer that the passport authorities be directed to issue a passport of regular term ignoring the pendency of criminal case.

Learned counsel for the petitioner has relied upon the judgment passed by this Court in ***Abhayjeet Singh Vs. State of Rajasthan*** arising out of **S.B. Criminal Misc. Petition No.5870/2024** and stated that his case is covered by the ratio laid down by this Court in ***Abhayjeet Singh (supra)***.

This Court has heard learned counsel for the parties. Upon perusal of the order dated 08.04.2025, it is evident that although the learned Trial Court has allowed the application, it has not specified the duration for renewal of the passport. It is also mentioned he shall not travel abroad without seeking permission of the Court.

In such circumstances, the apprehension of the petitioner is justified that in absence of a specified time frame, the renewal authority will renew the passport only for one year, as per the circular. The Coordinate Bench of this Court in ***Abhayjeet Singh Vs. State (supra)*** has clearly laid down that pendency of a criminal case cannot be an impediment in renewing the passport for a period of ten years. In fact, renewal for one year creates unnecessary complications, and renewal for a longer duration does not prejudice the case of either the State or the complainant. The Court has observed 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 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.”

In view of the same, this Court is inclined to allow the present misc. petition with a direction that if petitioner applies before the competent authority for issuance of the passport, the pendency of the proceedings arising out of FIR No. 271/2017 (complaint No. 39/2018/NCV No.5320/2018) shall not be an impediment for issuance of passport of 10 years validity to the petitioner, if he is otherwise eligible.

Accordingly, the order of the learned trial Court dated 08.04.2025 stands modified to this extent however, other conditions imposed upon traveling abroad shall remain same.

With these observations, the present Misc. Petition stands allowed.

(BALJINDER SINGH SANDHU),J