

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.48312 of 2019 (O&M)
Date of Decision: 20.11.2019**

Amandeep Kumar @ Amandeep

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Liaqat Ali, Advocate for the petitioner.

Mr. V.G.Jauhar, Sr. DAG, Punjab for the respondent
assisted by Sh. Narpinder Singh, PPS, Deputy Superintendent,
Central Jail, Ludhiana.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing the impugned order dated 26.07.2019, passed by learned Additional Sessions Judge, Ludhiana, dismissing the application for necessary corrections in the name, father's name as well as address of the petitioner in the bail application and for issuing fresh release order.

Today again, reply by way of short affidavit dated 20.11.2019 of Sh. Rajiv Kumar Arora, Superintendent, Central Jail, Ludhiana on behalf of the respondent has been filed. The same is taken on record. Copy supplied to the opposite side.

At the outset, learned State Counsel has fairly stated that address of the petitioner has been verified and as per report, submitted by ASI Sukhwinder Singh, Police Station Meharban, Ludhiana, petitioner is residing at both the addresses i.e. Captain Colony, Police Station Meharban, Ludhiana as well as House No.B-3/55, Nandpur, Sahnewal Khurd, Ludhiana.

Learned State Counsel has further stated that he has no objection in case the impugned order is set aside and petitioner be released from custody.

Learned Counsel for the petitioner has also relied upon the copy of Aadhaar Card of the petitioner (P-2), which shows his name, father's name and address as “Amandeep Kumar son of Gulshan Lal, House No.#, Rahon Road, Captain Colony, Meharban, Ludhiana, Punjab – 141007, which is not disputed by learned Sate Counsel, on instructions from the police official present in the Court.

In view of the agreed stand taken by both sides, impugned order dated 26.07.2019 (P-4), passed by learned Additional Sessions Judge, Ludhiana is set aside with the directions to treat the address of the petitioner as “Amandeep Kumar son of Sh. Gulshan Lal, House No.#, Rahon Road, Captain Colony, Meharban, Ludhiana, Punjab - 141007 ” and his release warrant be issued in the present case, afresh forthwith after making the necessary corrections.

Before parting with this order, it is necessary to mention here that petitioner was granted bail in FIR No.268 dated 22.12.2018, under Sections 379-B, 411 read with Section 34 of the Indian Penal Code, 1860 (Sections 212 and 216, IPC added later on), registered at Police Station Meharban, District Ludhiana by learned Additional Sessions Judge, Ludhiana, vide order dated 18.07.2019 (P-1) and his release order dated 23.07.2019 was sent to the Superintendent, Central Jail, Ludhiana, but the same was returned back due to the reasons that his address, mentioned in the release order, was not tallying with the address, mentioned in the Custody Warrant dated 29.12.2018 (R-3).

Consequently, an application was moved before learned Additional Sessions Judge, Ludhiana for correction of the particulars of the petitioner including address, but the same was rejected while passing the impugned order dated 26.07.2019 and he is facing incarceration till date. Although, this Court was inclined to impose the exemplary costs as well as to proceed against he Superintendent, Central Jail, Ludhiana, but since a fair stand has been taken by learned State Counsel, therefore, leave the matter with the Director General, Prisons, Punjab for careful examination of the issue and if need be, to take action as per law against the erring officers/officials. It would be appropriate if some proper solution is find out in such a scenario for any future recurrence in any other case.

The approach, adopted by learned Additional Sessions Judge, Ludhiana while rejecting the application of the petitioner for correction of his particulars, is also not appreciable, rather lacks sensitivity.

Consequently, copy of this order along with the orders dated 18.07.2019 and 26.07.2019 (P-1 & P-4) respectively be also sent to learned District & Sessions Judge, Ludhiana as well as Hon'ble Administrative Judge of the Ludhiana Sessions Division to sensitise the Presiding Officer concerned to show prudence in such type of case(s) involving life and liberty of the citizen(s).

Disposed off accordingly.

November 20, 2019

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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>