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

CRM-M-9816-2022

Date of decision : 08.03.2022

Ahmed/Ahmad Raja

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. J.S. Bains, Advocate for the petitioner.

Mr. Dheeraj Jain, Senior Counsel, UOI
for respondent Nos.1 and 2.

Mr. Sarabjit S. Cheema, AAG, Punjab
for respondent Nos.4 and 5.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for issuance of order or direction to the respondents to decide legal notice dated 29.11.2021 (Annexure P-2).

A perusal of the legal notice dated 29.11.2021 (Annexure P-2) would show that it has been stated in the same that the petitioner was convicted on 11.11.2021 by the Court of Judicial Magistrate, Ist Class, Amritsar in CNR No.PBAS030076592020 CIS No.CHA/661/2020 and was ordered to undergo rigorous imprisonment under Section 12 of the Passport

Act, 1967 for a period of six months and under Section 14 of the Foreigners Act, 1946 to undergo rigorous imprisonment for a period of one year. It is further stated in the legal notice that the petitioner was arrested on 19.05.2020 and has completed his sentence but has not been released.

Notice of motion.

On advance notice, Mr. Dheeraj Jain, Senior Counsel, UOI, appears and accepts notice on behalf of respondent Nos.1 and 2. Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of respondent Nos.4 and 5.

Learned counsel for respondent Nos.1 and 2 has referred to the reply dated 24.12.2021 (Annexure P-4) in which, after considering the said legal notice, it has been stated that the nationality status of the petitioner stands confirmed from the information received from the Pakistani Authorities and repatriation of the petitioner is to be considered by the Ministry of Home Affairs in consultation with stake holders, on the basis of 'no objection' received from the State Government of Punjab and travel documents issued in his favour by the High Commission of Pakistan in New Delhi. He has further stated that it is the State of Punjab which has to confirm as to whether the petitioner has completed his sentence and whether he is required in any other case or not.

Learned counsel for the petitioner has stated that the petitioner would be satisfied in case the present petition is disposed of with direction to the official respondents to take a final decision with respect to the entire matter within a period of four months from the date of receipt of certified copy of this order.

Keeping in view the abovesaid facts and circumstances, the present petition is disposed of with directions to the official respondents to decide the entire matter regarding repatriation of the petitioner within a period of four months from the date of receipt of certified copy of the present order.

The State of Punjab is directed to expeditiously inform the Union of India as to whether the petitioner has completed his sentence and is required in any other case or not and if the same is already done, then, to coordinate with the Union of India so that the final decision may be taken within the aforesaid stipulated period.

08.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No