

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(204)

CRWP-12161-2021

Date of decision: - 05.01.2022

Adnan Ali

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vikram Satpal Anand, Advocate, for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a criminal writ petition under Article 226 of the Constitution of India praying for issuance of suitable writ in the nature of Habeas Corpus directing the respondents to release the petitioner forthwith on the ground that he has already undergone the imprisonment awarded to him and now he is illegally confined in jail.

Learned State counsel has submitted a short reply by way of an affidavit of Surinder Singh, PPS Superintendent Central Jail, Amritsar on behalf of respondent Nos.1 and 2. The relevant portion of the said reply is herein below: -

“That it is respectfully submitted that petitioner Adnan Ali, aged 21 years, son of Mansha caste Muslim, Resident of Aarsal Nagar, Police Station Ganda Singh Wala, District Kasoor Punjab,

Pakistan was admitted in Special Jail Shri Muktsar Sahib on dated 05.11.2020 as an Undertrial prisoner in case FIR No.192 dated 01.11.2020 u/s 3, 34, 20 IP Act 14 Foreigners Act P.S. Mamdot and was transferred to Central Jail, Ferozepur on 02.12.2020. It is further submitted that he was convicted for R.I. 01 Year and fine of Rs.200 I.D. R.I for 15 days on dated 12.10.2021 by the Ld. Court of Dr. Jasveer Singh, Judicial Magistrate 1st Class, Ferozepur and his sentence in this case was completed by giving benefit of undertrial period and upon payment of fine on 04.11.2021.

2). *It is further submitted that petitioner completed his sentence on dated 04.11.2021 and after completion of his sentence and on account of holidays due to Diwali, he was released from Central Jail Ferozepur on 02.11.2021 and was produced before the office of Senior Superintendent of Police-Cum-FRO Ferozepur for doing necessary action regarding the deportation of Pakistani National and thereafter Senior Superintendent of Police-Cum-FRO Ferozepur initiated the deportation case of Pakistani prisoner Adnan Ali and petitioner was admitted in Transit Camp at Central Jail Amritsar on dated 02.11.2021 vide order No. 3401/C.B. dated 02.11.2021 of the office of Senior Superintendent of Police-Cum-FRO Ferozepur with a request to confine Pakistani National Adnan Ali in transit Camp at Central Jail Amritsar till the permission for his deportation is not received from concerned Authority. A copy of order dated 02.11.2021 of Senior Superintendent of Police-Cum-FRO Ferozepur is annexed as Annexure R-1 and its true translation is annexed as Annexure R 1/T.*

4) *That it is further respectfully submitted that deportation case of the petitioner is still under process and he will be deported to his native country after getting the orders from Ministry of Home Affairs, New Delhi. A request letter vide No. 914/ASW dated 29.12.2021 of this office has been sent to the Director (Foreigners), Ministry of Home Affairs, New Delhi and to the Under Secretary (Foreigners), Ministry of Home Affairs, New Delhi for intimating this office regarding the status of deportation of Pakistani National Adnan Ali S/o Mansha. A copy of the letter dated 29.12.2021 is annexed as Annexure R-2.*

5). *That it is respectfully submitted that the deponent has received the status report from the office of Sh. Sumit Kumar, Dy Director (PB), Foreigners Division, Ministry of Home Affairs, Government of India, New Delhi vide their letter No. 12011/14/2021-F.III dated 04.01.2022, the relevant portion of the status report is reproduced herewith:*

"It is stated that as per inputs available in the Ministry, above mentioned both Pakistani prisoners were provided consular access with Pakistani authorities on 11.11.2021 at Central Jail Amritsar and their nationality status confirmation is yet to be received from Pakistan. It may be noted that repatriation of Mr. Shahbaz and Mr. Adnan Ali may only be carried out after receiving confirmation of their Pakistani nationality from the high Commission of Pakistan in New Delhi and issuance of travel documents by them in their favor."

The affidavit is submitted for the kind perusal of the Hon'ble High Court."

A perusal of the above-said reply would show that it is the case of the respondents-State that the petitioner completed his sentence by giving benefit of undertrial and upon payment of fine on 04.11.2021 and had been released from Central Jail Ferozepur on 02.11.2021 on account of holidays due to Diwali and thereafter, was produced before the office of Senior Superintendent of Police-cum-FRO Ferozepur for taking necessary action regarding the deportation of the petitioner, who is a Pakistani National and a reference had been made to certain orders/communications between Senior Superintendent of Police-cum-Ferozepur and the Senior Superintendent of Police, Central Jail, Amritsar and also between Director (Foreigners), Ministry of Home Affairs, New

Delhi and the Under Secretary (Foreigners), Ministry of Home Affairs, New Delhi and also between Deputy Director (PB), Foreigners Division, Ministry of Home Affairs, Government of India, New Delhi and Superintendent Central Jail, Amritsar.

In view of the stand taken by the respondents in the above-said reply, this petition has become infructuous and the same is disposed of as such. However, liberty is granted to the petitioner to file a fresh petition, if so advised, in case he is aggrieved with the orders/letters (Annexures R-1 to R-3).

January 05, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No