

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

CRWP No.8928 of 2023 (O&M)

Date of Decision: 18.09.2023

Babba Masih

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: None for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Article 226 of Constitution of India praying for issuance of a writ in the nature of Habeas Corpus by directing respondent Nos.1 to 4 to release the petitioner from illegal custody because he is not being released despite order dated 25.07.2023 (Annexure P-2) passed by this Court in CRM-M-32334 of 2023 granting concession of regular bail to the petitioner in case FIR No.275 dated 01.09.2021 registered under Sections 302, 323, 427, 148 and 149 IPC at Police Station Ajnala, District Amritsar, with certain other prayers made in the present petition.

Pursuant to previous order dated 11.09.2023 Mr. Anurag Kumar Azad, Superintendent, Jail, Amritsar is present in the Court and filed short reply by way of his affidavit. The same is taken on record.

As per the said reply, on 28.07.2023 release order of the petitioner from the Court of Additional Sessions Judge, Amritsar in case FIR No.275 dated 01.09.2021 under Sections 302, 323, 324, 427, 148, 149

IPC with added Section 506 IPC was received but in the said release order Section 506 IPC was not mentioned. Thereafter, the original release order was sent back to the Court of Additional Sessions Judge, Amritsar for clarification but no clarification had been received from the concerned Additional Sessions Judge, Amritsar so far. Therefore, the petitioner could not be released from the prison and, therefore, it may not be considered as illegal detention in the prison.

Learned State counsel submits that as and when clarification is received from the concerned Court, the petitioner shall be released from the prison.

In view of the above, this Court does not find any ground to interfere in the matter.

However, the Additional Sessions Judge concerned is directed to send the necessary clarification/reply to the letter received from the Superintendent of Jail forthwith.

Disposed of.

(RAJBIR SEHRAWAT)
JUDGE

18.09.2023
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No