

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-3823-2024

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
23.02.2026	05.03.2026	FULL PRONOUNCED	05.03.2026

Jean Cyrilli Koffi through his friend Jude...Petitioner

Versus

State of Punjab and another...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

Mr. Tejeshwar Singh Sullar, Central Govt. Counsel
for UOI (Through video conferencing).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
187	18.11.2020	Khamanon	21/29/61/85 of NDPS Act

Criminal Case number before the Sessions Court	NDPS Case No.62/2021 CNR No.PBFG01-002705-2021
Date of Decision	09.02.2023

1. The petitioner, Jean Cyrilli Koffi, a passport holder of Ivoirian, claims to have been detained by respondent No.2, seeking release from such detention, had come up before this Court by filing the present Criminal Writ petition and Habeas Corpus.

2. The petitioner along with another person, was tried under the NDPS Act and the other co-convict, namely Bobby Verma, was convicted by the Special Court, Fatehgarh

Sahib, however the present petitioner was acquitted. Feeling aggrieved, the convict-Bobby Verma had filed his criminal appeal before this court, and the State of Punjab also filed a Leave to appeal against acquittal, along with the application to condone the delay. Vide judgment dated 20.02.2026, we had dismissed the application for leave to appeal filed by the State along with application for condonation of delay. The dismissal of the appeal implies that as of date no case is pending against the petitioner in the above said FIR.

3. The Deputy Secretary, Councilor, Passport and Visa Division, Ministry of External Affairs, had filed a status report in the present case, which is dated 15th April 2025. She stated that, on the request of the State Government, they had sought confirmation of the nationality of the petitioner from the concerned embassy. She further stated that she could not have been deported directly to their home country and the procedure for repatriation of foreigners who were arrested had been laid down. This procedure was communicated through Office Order number 25022/19/2014 F.I. dated 24th April, 2014. It is explicitly stated in paragraph 3 of the said communication that a foreign national prisoner can only be deported after completion of their sentence/ court proceedings.

4. Given above, now as of date, no Court proceedings are pending against the present petitioner-Jean Cyrilli Koffi in the present FIR, as such, there can be no reason to detain him.

5. We cannot lose sight of the fact that the applicant was arrested in FIR No.187 dated 18th November 2020, registered in Police Station Khamanon, District Fatehgarh Sahib. After that, he was arrested in the said FIR from Delhi on 23rd November 2020, and 250 grams of heroin was allegedly recovered from him. The trial Court did not find the evidence against him convincing and acquitted him. The judgment of acquittal was challenged before this Court and we also did not interfere in the same, thereby upholding the acquittal. Consequently, as of date, no matter, arising out of FIR No.187 dated 18th November 2020, registered in Police Station Khamanon, District Fatehgarh Sahib, is pending.

6. Even after acquittal, the petitioner had to remain in India because of the pendency of the State's appeal, which was barred by limitation. Without commenting on such restrain, as of date, nothing is pending against the petitioner, as such, no hindrance be placed by the authorities in his leaving the country, and in case, his passport has been detained, then the same be released by the concerned officer and if the passport is lying before the trial court, the trial court shall hand over the same, and at the time of handing over, a photocopy of passport shall be kept by the Court. In case any Look Out Circular is issued against the petitioner in FIR no.187, then the same shall also not be exercised against the petitioner, and he shall be permitted to leave the country. All orders detaining or restraining the present petitioner in the present FIR, shall not be enforced against the petitioner, for the reason that he was not only acquitted by the trial court but his acquittal has been upheld by a Division Bench of this Court.

7. The present petition is allowed with the clarifications and observations mentioned hereinabove. Pending applications if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

05.03.2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO