

224 CWP-PIL-68-2024 (O&M)

**COURT ON ITS OWN MOTION
VS
STATE OF PUNJAB AND HARYANA AND UT
CHANDIGARH**

Present: Mr. Deepak Balyan, Addl. A.G. Haryana.

Mr. Avnish Mittal, Addl. A.G. Punjab.

Ms. Aashna Gill, Junior Panel Counsel for UT, Chandigarh

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Dheeraj Jain, Sr. Panel Counsel, for Union of India.

Union of India through Secretary to External Affairs Ministry,
New Delhi is impleaded as respondent. Mr. Satya Pal Jain, Additional
Solicitor General of India with Mr. Dheeraj Jain, Advocate accept notice.

State of Punjab has filed its response by way of an affidavit of
Mr. Arun Pal Singh, Additional Director General of Police, Prisons, Punjab,
Chandigarh, to the issues which have come up for consideration in the
present documents, in the Court today which is taken on record.

We have gone through Annexure R-1 which has been attached
with the abovesaid affidavit, which would go on to show that there is a list
of inmates/Foreign National Prisoners who have completed their sentences.

A perusal of the list would show that in some cases, consular
access had been provided way back in the year 2008 but the nationality
status has not been verified. Similarly, even where nationality has been
verified, the persons who are still in custody have not been deported yet. At
Sr. No.41, there is a case where a person of Nigerian nationality apparently
has been acquitted but the appeal against acquittal is pending and the
observation made in the column of remarks is that he will be deported after
the dismissal of the appeal.

In the said circumstances, the officer concerned is directed to be present in the Court to explain the circumstances in which 48 people are being kept in custody, in spite of sentence having been completed.

A copy of affidavit be supplied to Mr. Jain, during course of day, as it has been submitted that the needful is to be done by UOI.

UT has also filed status report by way of an additional affidavit of Additional Inspector General Prisons-cum-Superintendent Jail, UT Chandigarh today in the Court which is taken on record, a perusal of which shows that there are 18 foreign inmates lodged in Model Jail, Chandigarh and there are no foreign inmates who have completed their sentences and are still behind the bars.

Let UT also file an affidavit clarifying how many of the foreign nationals, having completed sentence in the last five years, were duly deported and the procedure which was followed, as apparently the State of Punjab has to follow the said example.

Adjourned to 10.09.2024.

**(G.S. SANDHAWALIA)
JUDGE**

**(VIKAS BAHL)
JUDGE**

11.07.2024
Pawan