

Sr. No.227

CWP-2264-2024 (O&M)

Court on its own motion

Vs.

State of Punjab and others

Present:- Mr. Ravi Mattoo, Advocate in
CM Nos.3820-CWP-2024 and 3822-CWP-2024.
(presence marked through video conferencing).

Mr. Salil Sabhlok, Sr. DAG, Punjab.

Mr. Sahil Garg, Advocate for
Mr. Dheeraj Jain, Sr. Panel Counsel,
For the respondent-Union of India.

A photocopy of the letter dated 28.03.2024 has been placed on record. A perusal of the same would go on to show that repatriation could not be performed due to the fact that travel documents of the juveniles were not brought to ICP Attari Road, Amritsar by Pakistan High Commission, New Delhi and, therefore, there was deficiency of travel documents of the juveniles.

Perusal of the order dated 18.04.2023 of Juvenile Justice Board, Tarn Taran would go on to show that juveniles were tried and acquitted under the provisions of the Passport (Entry into India) Act, 1920. The Court came to the conclusion that there was non-wiring and it was foggy and juveniles could have entered by mistake. Due to non-wiring and fact that there was no common intention to cross the international border for illegal crossing of international border without visa, the benefit was granted.

In such circumstances, the stand which has been taken in the communication that there has to be any travel document to be furnished by the Pakistan High Commission, it seems to be baseless.

Let AFRRO, ICP Attari Road, Amritsar come present on the next date of hearing.

Needless to say if repatriation of two juveniles is done before the next date of hearing, the above said Officer need not come present.

Affidavit has also been filed in pursuance of the order dated 11.03.2024 whereby 30 Pakistani Nationals have completed their sentences and are still confined at transit camp in Central Jail, Amritsar. The details of which have been mentioned at Annexure R-1. Issuance of requisite travel document be taken up with the Embassy/High Commission of the concerned country as deportation can take place only after the travel documents are submitted. It is submitted that such Pakistani Nationals can be repatriated only after completion of sentence/court proceedings, grant of Consular Access and confirmation of nationality and issue of travel documents by the Government of Pakistan.

It is further submitted in the affidavit that Consular access has also been provided to all these Pakistani nationals.

Let Union of India take necessary steps as such for repatriation with the Pakistan Embassy.

Adjourned to 18.04.2024.

**(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE**

**(LAPITA BANERJI)
JUDGE**

April 02, 2024
Vandana