

IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRL.) NO(s). 89 OF 2011

SARABJIT SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

This is a petition filed by Sarabjit Singh praying for issuance of Writ of Mandamus under Article 32 of the Constitution of India directing the respondents to take necessary steps for repatriation and release of the petitioner from Lahore Kotlakhpat Central Jail, Pakistan, through the diplomatic channel of the Ministry of External Affairs, Government of India, New Delhi.

Learned counsel for the petitioner has referred to the judgment of this Court in Gopal Dass through brother Anand Vir vs. Union of India & Anr. (2011) 4 SCC 300, where a person who was similarly detained in Pakistan made a petition before this Court and this Court made a request.

We however appreciate the good gesture of the Pakistan Government in response to the aforesaid

2

judgment rendered by this Court.

In the instant matter, counter affidavit has been filed by the Union of India. In the Counter affidavit in paragraphs 6, 13 and 15 Union Government have taken a stand. In paragraph 15, the stand which has been taken by the Government of India is as follows:

"15. That the Government of India

has been regularly approaching Government of Pakistan for release/repatriation of Indian prisoners lodged in Pakistani jails. Government has consistently urged the Government of Pakistan to take a sympathetic and humanitarian view in the case of petitioner. The then External Affairs Minister in a Suo Motu Statement in the Lok Sabha on March 18, 2008 appealed to the Government of Pakistan to treat petitioner's case with clemency on humanitarian grounds".

We appreciate that except for approach through diplomatic channel and making a request, it is difficult for the Government of India to pursue further in the matter. The stand taken in the counter affidavit, in our opinion is an appropriate one.

This Court also has to proceed very cautiously in such matters since the jurisdiction in these matters is restricted. Even considering all these facts, this Court hopes and expects that the

3

Pakistan authorities may consider the appeal of the petitioner on humanitarian grounds. The prayer of a person for release from a neighbouring country may be considered by its counter part in Pakistan with appropriate dignity and regard. Expressing this hope, we dispose of this writ petition.

This Court expresses that efforts be made in this case by the Indian Authority in the way in which it thinks proper.

The Writ Petition is disposed of.

.....J  
(ASOK KUMAR GANGULY)

.....J  
(JAGDISH SINGH KHEHAR)

New Delhi;  
Dated: JANUARY 20, 2012

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
WRIT PETITION (CRL.) NO(s). 89 OF 2011

SARABJIT SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.  
(With office report )

Respondent(s)

Date: 20/01/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY  
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Mr. Arvind Kr. Sharma,Adv.  
Mr. Saurabh Mishra,Adv.

For Respondent(s) Mr. Vivek K. Tankha, ASG,  
Mr. Siddhartha Dave,Adv.  
Mr. Gaurav Dhingra,Adv.  
Mr. B.V. Balram Das,Adv.  
Mr. Varun K. Chopra,Adv.  
Mr. Rishabh Sancheti,Adv.  
Mr. Vaibhav Srivastava,Adv.  
Mr. Sumeer Sodhi,Adv.  
Mr. D. Kumnan,Adv.  
Mr. Harsh Parashar,Adv.  
Mrs Anil Katiyar,Adv.

UPON hearing counsel the Court made the following  
O R D E R

The Writ petition is disposed of in terms of  
the signed order.

(KUSUM SYAL)  
SR.P.A

(VINOD KULVI)  
COURT MASTER

(Signed Order is placed on the file)