

2024:PHHC:150887



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-11171-2024 (O&M)
Date of Decision:-19.11.2024

Balwant Singh

... Petitioner

Versus

Union Territory, Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.S.Hundal, Senior Advocate with
Ms. Arshpreet kaur, Advocate, for the petitioner.

Mr. Charanjit Singh Bakshi, Addl. PP. U.T. Chandigarh.

Mr. Siddharth Attri, AAG, Punjab.

Mr. Akashdeep Singh, Special PP, for respondent No.3.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner, upon whom penalty of death has been imposed, seeks directions to be issued by this Court to the authorities concerned to permit the petitioner to attend the *bhog* ceremony (last rites) in respect of his brother Kulwant Singh Rajoana, who is stated to have expired on 04.11.2024.



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2. It is the case of the petitioner that the *bhog* ceremony of his brother is to be performed tomorrow i.e. 20.11.2024 between 11:00 AM to 4:00 PM at Gurudwara Manji Sahib, Rajoana Kalan, District Ludhiana.
3. It is also averred in the petition that on an earlier occasion father of petitioner had expired in the year 2022 and he had been granted a similar relief by this Court vide order dated 28.01.2022 in CRWP-801-2022 (Annexure P-6) and that no untoward incident had taken place.
4. Pursuant to issuance of advance notice, Mr. Siddharth Attri, AAG, Punjab has put in appearance and submitted a verification report from SHO concerned based on the statements of the Sarpanch and other respectables of the village, wherein they have categorically stated that brother of the petitioner had expired on 04.11.2024 and that the last rites are to be performed on 20.11.2024 at Gurudwara Manji Sahib, Rajoana Kalan, District Ludhiana.
5. It is correct that the petitioner has been convicted in respect of Case No.2-A of 1995 registered by the CBI titled as CBI Vs. Gurmeet Singh etc. (FIR No.9, dated 31.8.1995, under Sections 302 R/W 120-B, 307 R/W 120-B, 306 R/W 109/120-B IPC and Section 3(b) read with 6, 4(b), 2(i) read with Section 6/5(b)(ii) read with 6 of Explosive Substances Act) wherein death penalty has been imposed.
6. It has been submitted that the case of the petitioner has been recommended by the Government of India for commutation of death sentence to life imprisonment and the matter as such is still pending. In any case, it goes



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without saying that death of a sibling i.e. a real brother would put the entire family in the state of shock and grief and under such circumstances, the petitioner can be extended the benefit of granting permission to attend the bhog ceremony of this brother so as to enable him to be with his family for a little while at this moment of grief. At the same time, it also goes without saying that having regard to the seriousness of the offence for which he stands convicted, the State would be expected to make elaborate arrangements for security of the petitioner. The petition, as such, is accepted and the petitioner is permitted to attend the bhog ceremony of this brother while in custody tomorrow i.e. 20.11.2024 between 11:00 AM to 2:00 PM. at village Rajoana Kalan.

7. The respondents are directed to make elaborate arrangements so as to take the petitioner from Central Jail, Patiala to Gurudwara Manji Sahib, Rajoana Kalan, District Ludhiana so as to attend the bhog ceremony. The petitioner will not be allowed to stay at the venue beyond 2:00 PM whether the ceremonies are concluded by the said time or not and shall be brought back to the Central Jail, Patiala so as to be confined there in time.
8. A copy of this order be supplied to learned counsel for the parties under the signatures of Bench Secretary attached to this Court.

19.11.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No