

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.24585 of 2018

Date of decision: September 27, 2018

Mohd.Mofil

...Petitioner

Versus

The State of U.T.Chandigarh and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr.J.S.Jaswal, Advocate for the petitioner.

Ms.Aashima Mor, Advocate for respondent No.1.

Rakesh Kumar Jain, J. (Oral)

The petitioner is presently lodged in Model Jail, Chandigarh. He was tried for commission of the offence under Sections 302, 376, 449 IPC and has been sentenced for life imprisonment under Section 302 IPC, for 7 years under Section 376 IPC and for 5 years under Section 449 IPC. The petitioner has prayed for grant of parole for a week for *Kurankhani*. It is submitted that the real sister of the petitioner had expired on 29.8.2018 (Wednesday) and ceremony of *Kurankhani* shall take place on 30.9.2018 from 12.00 noon to 5 p.m.

Notice was issued in this petition pursuant to which reply is filed today in Court.

It is submitted by counsel for the petitioner that the petitioner may be allowed to offer *Namaz* and he be released on parole for a week whereas counsel for the respondents has submitted that the petitioner was permitted to attend the cremation for two hours in police custody on 29.8.2018. She has also submitted that the Government of Punjab has issued a letter dated

15.5.2005 in which it is provided that the inmates may be allowed to attend either Cremation or Bhog Ceremony.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that there is no merit in the present petition because the petitioner has already been allowed parole for attending the cremation of his sister. The petitioner is now asking for grant of parole to attend the *Kurankhani i.e.* prayer ceremony but in view of the instructions issued by the State of Punjab which is adopted by the UT Chandigarh, the petitioner can be allowed to be released only for one purpose i.e. either for Cremation or Bhog Ceremony.

In view thereof, there is hardly any merit in the present petition and the same is hereby dismissed.

September 27, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No