

CWP No.5907 of 2017 -1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.5907 of 2017
Date of decision: 17.4.2018**

Dalbir Singh

...Petitioner

Versus

Union of India

...Respondent

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr.Deepak Kundu, Advocate for the petitioner.

Mr.Dheeraj Jain, Advocate for the respondent.

Rakesh Kumar Jain, J.

This petition is filed by the brother of one Jaswinder Singh, who was working in United Arab Emirates (UAE) on a valid work visa at the crusher of Mr.Saeed Salim Al-Dausari in the region of Ummul Farjan at a distance of 50KM from Al-Kharj Province. The petitioner was informed by Mr.Hardeep Mohd. about the death of his brother and few others in an explosion of gas cylinder occurred in their temporary accommodation. It is averred that the dead body has been converted into mud. The mortal remains of late Jaswinder Singh has been brought to India but lying at Indira Gandhi International Airport, Delhi. The prayer made in this petition is for getting the DNA report of mortal remains of the brother of the petitioner so that the petitioner may perform the last rites in accordance with their custom or the religion.

Notice was issued in this petition as far back as on 22.3.2017 but thereafter, it has been adjourned from time to time for the purpose of getting the DNA report from Kingdom of Saudi Arabia.

Government of India has filed two affidavits dated 3.5.2017 and 29.8.2017 in which it is averred that the efforts are being made for getting the DNA report from the Kingdom of Saudi Arabia and number of reminders have already been sent. Today also counsel appearing on behalf of respondent has produced a letter dated 12.4.2018 purported to have been written by Embassy of India to the Ministry of Foreign Affairs, Kingdom of Saudi Arabia in which a request has been made for the DNA identification reports in respect of late Jaswinder Singh.

Counsel for the respondent has submitted that so far the report has not been received.

Counsel for the petitioner has submitted that the alleged death of his brother was caused on 27.11.2015 and the petitioner has been praying only for the DNA report from the Kingdom of Saudi Arabia so that he may be in a position to cremate the mortal remains of his brother which are lying at the Airport at Delhi. It is further submitted that the petitioner cannot be made to wait indefinitely for the purpose of getting the said report.

I have heard learned counsel for the parties and after taking into consideration the peculiar facts and circumstances of the case, am of the considered opinion that it is the duty of the respondent to get the DNA report from the Ministry of Foreign Affairs, Kingdom of Saudi Arabia of late Jaswinder Singh who has allegedly expired in the fire accident took place in his accommodation where he was working on 27.11.2015. Therefore, the present petition is hereby disposed of with a direction to the respondent to

provide DNA report of late Jaswinder Singh to the petitioner within a period of three months from the date of receipt of certified copy of this order.

April 17, 2018
Meenu

(Rakesh Kumar Jain)
Judge

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