

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

CWP No. 21834 of 2014(O&M)

Date of decision : 19.05.2015

Sub Inspector Ajay Kumar Singh

..... Petitioner

versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Brig.(Dr.)Shiv Darshan Dutta(Retd.), Advocate
for the petitioner.

Ms.Anita Balyan. Senior Panel Counsel
for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this petition the petitioner had challenged the General Security Force Court proceedings which were taken against him.

Today learned counsel has limited his prayer. As per him Section 107 of the Border Security Force(BSF)Act, 1968 provides that no finding or sentence would be valid unless it is confirmed. This fact is accepted by learned counsel for the respondent. In the present case, as per learned counsel for the petitioner, the petitioner was sentenced to 12 months imprisonment and dismissal from service. He has now been in prison since 15.07.2014 and till date confirmation proceedings have

not culminated. As per him if today the Confirmation Authority does not confirm the sentence or finding, the petitioner would suffer irreparable loss of liberty. This fact is also not denied by learned counsel for the respondents.

In the circumstances learned counsel for the petitioner has made a limited prayer that the sentence of imprisonment of the petitioner be suspended pending the confirmation proceedings and beyond that the petitioner would seek his remedies as per law. Learned counsel for the respondents is not in a position to deny this reasonable prayer. Even otherwise it is not disputed that the petitioner has undergone 10 months and 4 days imprisonment out of total sentence of 12 months and the confirmation proceedings have not culminated. Notice of motion was issued on 28.10.2014 and the petition has remained pending in this Court for the last seven months.

In the circumstances it is directed that the sentence of imprisonment imposed upon the petitioner be suspended pending the culmination of confirmation proceedings. As regards the remaining relief, the petition is permitted to be withdrawn with liberty to the petitioner to take all remedies available to him as per law.

Petition is disposed of in the above terms.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 19, 2015
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