

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

**LPA No.648 of 2015 (O&M)
Date of Decision: 29.04.2015**

Inderjit Singh

... Appellant

VS.

State of Punjab & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr. KG Chaudhry, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 10.04.2015 passed in the review application (RA-CW-167-2014) vide which learned Single Judge has reviewed his previous decision dated 15.11.2013 and consequently, upheld the punishment of dismissal from service imposed on the appellant on the basis of his conduct which led to his conviction in a criminal case.

(2) The appellant is a Constable in Punjab Police. His wife committed suicide on 30.07.1996 hardly within three years of her marriage. The appellant along with his sister-in-law and mother was tried for the offence under Section 306 IPC and they were sentenced by the learned Sessions Judge, Hoshiarpur vide order dated 22.05.1998 to undergo rigorous imprisonment for three years besides the fine. He along with his co-accused preferred Criminal Appeal No.454-SB of 1998 which was dismissed *qua* the appellant on 28.01.2010 though his co-accused Malkiat Kaur and Swaran Kaur were acquitted giving them the benefit of doubt. The appellant tried

his luck before the Hon'ble Supreme Court but his SLP was also dismissed on 26.07.2010.

(3) The appellant was dismissed from service vide order dated 14.12.1998 (Annexure P2) by the Senior Superintendent of Police, Jalandhar keeping in view his conduct which led to his conviction in the criminal case under Section 306 IPC. He challenged that order before this Court in CWP No.1064 of 1999. Learned Single Judge allowed the above-stated writ petition vide order dated 15.11.2013 after erroneously noticing that the appellant had been acquitted by this Court in the Criminal Appeal. Learned Single Judge thus viewed that since the appellant was dismissed from service as a result of his conviction in the criminal case in which he stood acquitted by this Court, he was entitled to be reinstated.

(4) It appears that the appellant was reinstated in compliance to the above-mentioned judgement. Thereafter, the State of Punjab filed review application pointing out that in fact the appellant's conviction was upheld and the SLP preferred by him has been dismissed by the Hon'ble Supreme Court.

(5) Taking into consideration the correct facts on record, learned Single Judge vide order dated 10.04.2015 has rectified the error and recalled the previous order and consequently dismissed the appellant's writ petition thereby permitting the authorities to re-issue the order of dismissal from service.

(6) The aggrieved appellant has preferred this appeal.

(7) Two-fold contentions are raised. Firstly, it is urged that the order of dismissal was passed mechanically merely on the basis of conviction of the appellant. We, however, do not find any merit in the contention. The competent authority has consciously taken notice of the appellant's conduct which led to his conviction in a criminal case, namely, the suicide committed by his wife within hardly three years of their marriage. It cannot be said that the competent authority did not apply its mind.

(8) The second contention is that the offence u/S 306 IPC does not involve 'moral turpitude'. We are, however, not impressed by this contention as well. The question of 'moral turpitude' varies from case to case depending upon its facts and circumstances. In the present case, the appellant is a member of Police Force who is expected to protect law. The appellant was found guilty of abetting suicide committed by his wife for whom he created such a hell that within three years of marriage, she decided to end her life. Such a conduct undoubtedly involves moral turpitude hence the decision taken by the competent authority to impose the punishment of dismissal by invoking its powers under *proviso* to Article 311(2) of the Constitution does not call for any interference.

(9) Dismissed.

(Surya Kant)
Judge

29.04.2015
vishal shonkar

(P.B. Bajanthri)
Judge