

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

**CRR-1088-2016**

**Decided on: 21.12.2016**

**Gurcharan Singh**

**.... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Sukhvir Singh Tiwana, Advocate,  
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

None for the complainant.

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**Sudip Ahluwalia, J. (Oral)**

In this revision petition, the petitioner who was convicted by the Ld. Trial Court alongwith others for having committed offences under Section 147, 341, 353 and 332 IPC and was awarded various terms of sentence ranging between one month to one year apart from imposing of fine of Rs.500/- each. The appeal filed by the petitioner is pending before the Ld. Appellate Court. His application for suspension of his conviction, in the meantime, was, however, rejected vide impugned order dated 04.03.2016. The Ld. Appellate Court in rejecting his prayer had relied upon a decision of the Supreme Court in **K.C. Sareen vs. CBI, Chandigarh, 2001(3) RCR (CrI.) 718 (SC) : JT 2001 (6) SC 59**, wherein, it was observed:-

*“When a public servant was found guilty of corruption after a judicial adjudicatory process conducted by a court of law, judiciousness demands that he should be treated as corrupt until he is exonerated by a superior court. The mere fact that an appellate or revisional forum has decided to entertain his challenge and to go into the issues and findings made*

*against such public servant once again should not even temporarily absolve him from such finding. If such a public servant become entitled to hold public office and to continue to do official acts until he is judicially absolved from such findings by reason of suspension of the order of conviction it is public interest which suffers and sometimes even irreparably. It would be a sublime public policy that the convicted public servant is kept under disability of the conviction in spite of keeping the sentence of imprisonment in abeyance till the disposal of the appeal of the revision.”*

The Ld. Court below, however, clearly appears to have been unmindful of the fact that the offences for which the petitioner who is a Patwari by occupation did not involve any element of corruption by public servant.

In the given circumstances, the decision relied upon in rejecting his application was inapplicable to the facts and circumstances of the given case.

Consequently, this revision petition is allowed by setting aside the impugned order. It is further directed that during the pendency of the appeal in the Ld. Court below, the conviction imposed upon him shall remain suspended till final decision in the appeal.

**(SUDIP AHLUWALIA)**  
**JUDGE**

**21.12.2016**  
*Dinesh*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No