

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

Civil Writ Petition No.12960 of 2016

Date of decision: 4.7.2016

EHC Robin Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.S.N.Yadav, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

Though the statutory appeal against the award of punishment of withholding of 5 increments with cumulative effect has been dismissed on delay of 11 years in filing the appeal but the fact remains that the petitioner was convicted in FIR No.65 dated 4.2.2003 under Sections 223, 224 of the Indian Penal Code lodged in Police Station Civil Lines, Rohtak. The petitioner was convicted by the trial court vide judgment dated 15.11.2001 but was released on probation by giving benefit of Section 4 of the Probation of Offenders Act, 1958.

It is well settled proposition of law that the release on probation does not wash out the conviction. If the conviction remains, the punishment

offence or misconduct tested on wednesbury principles.

It is equally well settled that this Court does not sit in appeal over punishment orders only to interfere with the quantum of penalty imposed. That is the business of the administrator. It may be noted that the petitioner was a policeman.

No ground for interference is made out in the writ jurisdiction.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

July 4, 2016
Paritosh Kumar