

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

CWP No.20207 of 2013 (O&M)

Date of decision: 20.11.2018

Jagtar Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. H.S. Rakhra, Advocate for the petitioner(s).

Mr. Vikas Mohan Gupta, Addl. A.G., Punjab.

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**Jitendra Chauhan, J. (Oral)**

The challenge is to order dated 24.10.2010 (Annexure P-4), order dated 17.03.2011 (Annexure P-6) and order dated 27.02.2013 (Annexure P-11) passed by official respondents whereby the earlier order of dismissal dated 08.08.2001 (Annexure P-1) was upheld.

On behalf of the petitioner, it is asserted that the petitioner has been awarded the major penalty of termination which is disproportionate to the act committed. The petitioner was convicted in FIR 117 dated 06.12.1997 for the offences registered under Sections 203 and 223 of IPC whereas as per provisions of Section 203 and 223 IPC, the conviction cannot be more than for two years. The petitioner has been sentenced to undergo rigorous imprisonment for a period of one year under Section 223 IPC. Except the above, there was no complaint against the petitioner during his service period.

On the other hand, learned State counsel submits that the

impugned order has been passed by respondent No.3 in view of the instructions dated 18.05.2010 (Annexure R-4) issued by the Director General of Police, therefore, the present petition deserves to be dismissed. Moreover, the petitioner was deputed to produce accused Motha Singh who was taken into custody from Hissar Jail but instead of taking him to the competent Court at Bathinda, he took the accused to the house of one Chhota Singh and they stayed there for night.

Heard, learned counsel for the parties and perused the record carefully.

It is to be noticed that the petitioner was serving as Head Constable in District Bathinda at the relevant time. He was assigned the duty to produce accused Motha Singh who was taken into custody from Hissar Jail, before the competent Court at Bathinda. However, the petitioner took the accused to the house of one Chhota Singh due to which the accused escaped from the police custody. The petitioner has failed to explain the fact as to how he had taken the accused to the house of said Chhota Singh. The petitioner had been convicted in above said FIR. Even the revision petition filed before this Court stands dismissed, vide judgment dated 04.04.2011. The gross negligence and misconduct on the part of the petitioner who was member of a disciplined force cannot be condoned. Therefore, finding no merit in the instant petition, the same is hereby dismissed.

20.11.2018

*sumit.k*

**(JITENDRA CHAUHAN)**  
**JUDGE**

Whether speaking/reasoned :  
Whether Reportable :

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| Yes | No |
| Yes | No |