

CRWP-1806-2020

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

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Date of decision: 23.11.2020

Hav (GD) Sartaj Singh

...Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. N.K.Kohli, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Bhuwan Vats, Central Government Counsel for
the respondents.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The present criminal writ petition has been filed under Article 226 of the Constitution for quashing the order dated 23.08.2019 (Annexure P-2) passed by the Armed Forces Tribunal, Chandigarh Bench, Chandigarh, whereby application of the petitioner for suspending his sentence during the pendency of appeal, was dismissed.

As per the allegations, the petitioner while performing the duties of Administrative NCO of Khushi Play School at Mamum Military Station, had committed an aggravated sexual assault upon Miss X, aged 12-year, by hugging her, touching her breasts and kissing her lips.

Learned counsel for the petitioner contends that the petitioner, who is serving his sentence, has already undergone a period of about 2½

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years pursuant to his conviction and order of sentence of 05 years passed in the court martial proceedings, and therefore, sentence imposed upon the petitioner may be suspended.

On the other hand, learned Additional Solicitor General of India opposes the prayer made in the present petition.

I have heard the learned counsel for the parties and gone through the record.

The petitioner belongs to a disciplined force and while performing his duties of Administrative NCO of Khushi Play School, he had committed an aggravated sexual assault upon a minor girl, as noticed above.

In view of the above, no ground for interference with the impugned order is made out.

Dismissed.

23.11.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No