

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

116

CRWP-5969-2022

Date of Decision:13.07.2022

Sukhpal Singh

.....Petitioner

Vs.

UOI and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arun Singla, Advocate
for the petitioner.

Ms. Gurmeet Kaur Gill, Sr. Panel Counsel, UOI.

ANOOP CHITKARA J. (ORAL)

The petitioner, who was convicted and sentenced by the General Court Martial to undergo imprisonment for life for an offence under Section 302 IPC, had filed an appeal before the Armed Forces Tribunal, Chandigarh Bench at Chandimandir. Vide order dated 25.05.2022, the Bench of the Armed Forces Tribunal dismissed the application for suspension of sentence on the grounds that the sentence was under Section 302 of Ranbir Penal Code and also because, the matter could be heard finally in the second week of August 2022.

Still dissatisfied, the convict preferred the present criminal writ petition before this Court.

Learned counsel for the petitioner argued that the convict has undergone five years of sentence, as such on the grounds of prolonged incarceration, he has a right to seek suspension of his sentence.

The prayer is misconceived. On the grounds of prolonged incarceration the sentence may be suspended if the convict has undergone

approximately half of the sentence.

Given above, the period of five years of incarceration cannot be said to be prolonged viz-a-viz the conviction and sentence under Section 302 of Ranbir Penal Code, which is for life.

Consequently, there is no merit in the petition and the same is dismissed.

(ANOOP CHITKARA)
JUDGE

13.07.2022
anju rani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No