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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26661-2018
Decided on: 30.05.2022

AJIT SINGH @ JITU

Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

JAISHREE THAKUR J. (Oral)

The petitioner has approached this Court seeking a writ in the nature of certiorari for quashing the order dated 10.06.2017 (Annexure P-3) whereby, petitioner was dismissed from service on account of his conviction under FIR No.112 dated 26.09.2011, under Sections 326, 324, 323, 148 and 149 IPC, registered at Police Station Sri Hargobindpur, District Gurdaspur with a prayer that the order of dismissal be set aside considering the fact that petitioner stands acquitted in an appeal.

In brief, the facts as stated are that the petitioner was nominated as an accused in FIR No.112 dated 26.09.2011 and convicted by the trial Court on 15.03.2017 (Annexure P-2) consequent to which, he was immediately dismissed from service by order dated 10.06.2017 (Annexure P-3). He then preferred an appeal against the said order of conviction, which appeal was allowed by the Additional Sessions Judge, Gurdaspur vide judgment dated 10.05.2018 (Annexure P-5). The petitioner had filed an appeal against the order of dismissal, which

appeal is available on the record as Annexure P-4 and since the respondent No.3 was not deciding the appeal considering the fact that the petitioner stood acquitted, therefore, the petitioner approached this Court by way of present writ petition.

Pursuant to notice of motion having been issued, reply has been filed wherein, a stand has been taken that the appeal was decided and during the hearing of the appeal, the judgment of acquittal was not supplied.

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

The facts are not in dispute that the petitioner stood dismissed from service on being convicted under FIR No.112 dated 26.09.2011. It is also not in dispute that the petitioner stands acquitted in an appeal subsequently by an order dated 10.05.2018 and that too, during the pendency of the appeal against the order of dismissal before the authorities concerned. The only rejection of the appeal is on the ground that the copy of the judgment was not placed before it and that led to the confirmation of the order of dismissal.

In view of the fact that petitioner stood acquitted, it would be appropriate to remand the matter back to respondent Nos.2 and 3 to take the decision afresh keeping in light the judgment of acquittal. Before passing an order, one opportunity of personal hearing be afforded to the petitioner herein. Let a decision be taken afresh, within a period of three months from the date of receipt of the certified copy of this order.

Consequently, the instant writ petition is disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

30.05.2022
Chetan Thakur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No