



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

203

CWP-18235-2013

Date of Decision: 11.12.2025

DURGA PARSAD

..Petitioner

Versus

UNION OF INDIA AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Shub Karman Kumar, Advocate for
Mr. Manoj Kaushik, Advocate, for the petitioner.

Ms. Shreyanshi Verma, Senior Panel Counsel,
for the respondents-UOI. (Through V.C.).

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present petition, the challenge is to the order dated 12.03.2008 (Annexure P-2) passed by Summary Court Martial, by which the petitioner has been dismissed from service and was punished with the punishment to undergo rigorous imprisonment for a period of six months for stealing the money amounting to Rs.13,000/- on 02.02.2008 with the ATM card of his colleague, namely Laxmi Narain and also the order passed by Summary Court Martial has been upheld by the Armed Forces Tribunal, Chandigarh Bench, (hereinafter referred to as 'Tribunal') vide order dated 15.07.2010 (Annexure P-1).

2. Learned counsel for the petitioner argues that the Army authorities as well as the Tribunal have failed to appreciate the fact that initially, the said ATM card was given by Laxmi Narain to the petitioner for the purpose of withdrawing the cash from ATM. Hence, the present one is not a case of stealing of the case from ATM card belonging to Laxmi



Narain, so as to withdraw the money and rather, the money was withdrawn by the petitioner only on the asking of Laxmi Narain, which fact has not been appreciated by the authorities while conducting the Summary Court Martial as well as by the Tribunal while upholding the said proceedings.

3. Learned counsel for the respondents submits that though it has come on record that in the year 2007, Laxmi Narain gave his ATM of ICICI Bank to the petitioner to withdraw certain amount after which the petitioner came to know about the PIN number of the said card, but the incident which occurred in the year 2008, qua which the report was made by Laxmi Narain, complaining his ATM card has been missing, which complaint was circulated in the Unit, but the petitioner never came forward to claim that the ATM card is with him even with the plea the same was given to him by Laxmi Narain, hence the plea which is being taken by petitioner to exonerate himself of the commission of offence of theft is incorrect, whereas the ATM card was recovered from the petitioner eventually and it was found that he had already withdrawn the amount of Rs.13,000/- by undertaking four different transactions and he apologized for the said misconduct on his part and had also returned Rs.7,000/- out of the Rs.13,000/- to Laxmi Narain, which was remaining in his possession as Rs.6,000/- was already spent by him. Learned counsel for the respondents submits that the ATM card was a stolen one as the petitioner stole the said ATM card and kept the same in his possession without consent of the owner, i.e. Laxmi Narain along with the fact that he knew the PIN number of the said card in view of the earlier transaction which was undertaken with the consent of Laxmi Narain.



4. We have heard the learned counsel for the parties and have gone through the record of the case with their able assistance.

5. The findings of the Summary Court Martial can only be interfered with in case the process envisaged under law has not been not complied with while conducting the Summary Court Martial proceedings. No such allegations made on the part of petitioner have been brought to the notice of this Court. The only argument of the learned counsel for the petitioner is that once on an earlier occasion, the ATM card was given by Laxmi Narain to the petitioner for withdrawing money, the second incident wherein the money was again withdrawn was also with the consent of Laxmi Narain, which fact has been wrongly appreciated by the Summary Court Martial as well as by the Tribunal. It may be noticed that a complaint was made by Laxmi Narain that his ATM card was missing, which complaint remained pending consideration with the Unit for a period of three days and despite the notice issued qua missing of the ATM card of Laxmi Narain made known to the entire Unit, the petitioner never came forward to say that this card is with him and that too, with the plea that the said card was given to petitioner by Laxmi Narain himself so as to withdraw money. In the absence of any such evidence brought on record so as to tip the balance in favour of his exoneration, the plea which is being taken now to wriggle out of the incident cannot be accepted.

6. Further, the petitioner even accepted his guilt before the authorities concerned in writing which fact has not been controverted by the petitioner. That being so, he cannot wriggle out of the said confession, where he had pleaded guilty to the allegation and returned the amount of



Rs.7,000/-, which was remaining with him out of the Rs.13,000/- so taken out of the account of Laxmi Narain by stealing the ATM card of Laxmi Narain. Even the act of petitioner returning said amount, amounts to admission of guilt on his part.

7. Keeping the totality of the circumstances, as this Court will not appreciate the evidence again and nothing has been brought to the notice of this Court that the evidence brought on record was insufficient to hold the petitioner guilty of the allegation of theft, no ground for interference by this Court is made out.

8. The writ petition is dismissed accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

December 11, 2025
harish

Whether speaking/reasoned	Yes
Whether reportable	No