

**CWP-26073-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(112)****CWP-26073-2025****Date of Decision : September 04, 2025****Sunil Kumar****.. Petitioner****Versus****Union of India and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI****Present:** Mr. Sandeep Kumar Bokolia, Advocate, for the petitioner.Ms. Bhavana Datta, Senior Panel Counsel,
for respondent-UOI.**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the order dated 09.07.2025 (Annexure P-1) passed by the Armed Forces Tribunal, Regional Branch, Chandigarh (hereinafter referred to as 'Tribunal') by which, the grievance raised by the petitioner against the punishment imposed in the General Court Martial, has been rejected which is causing prejudice to the petitioner.

2. Learned counsel for the petitioner submits that sympathetic view be taken with regard to the punishment imposed by the General Court Martial (hereinafter referred to as 'GCM') keeping in view the fact that the petitioner also has a family to take care of.



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3. We have heard learned counsel for the petitioner and have gone through the record with his able assistance.

4. It may be noticed that the allegations which have been proved against the petitioner are very serious in nature. Keeping in view the seriousness of the said allegations, the punishment of dismissal along with five years of rigorous imprisonment has been imposed upon the petitioner by the GCM vide order dated 14.10.2023. Proving of a charge under Section 10 of the Protection of Children from Sexual Offences Act, 2012 has to be dealt with severely so that a message goes that anybody indulging in any such activities does not deserve even the slightest leniency, much less any compassion to be shown by the Court while dealing with such offender.

5. The Tribunal has discussed all the issues raised by the petitioner in detail and thereafter, recorded a finding that the punishment imposed in the General Court Martial upon the petitioner is valid and has been imposed vide order dated 14.10.2023 after following due process envisaged.

6. Learned counsel for the petitioner has not been able to point out any perversity in the order dated 14.10.2023 passed by the General Court Martial or even by the Tribunal i.e. order dated 09.07.2025, which have been impugned before this Court.

7. Once, the procedure envisaged for conducting the General Court Martial has been followed, the punishment imposed i.e. dismissal and five years of rigorous imprisonment cannot be interfered with unless and until, the same is shockingly disproportionate to the allegations alleged and proved.

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8. In the present case, keeping in view the fact the petitioner has been held guilty of aggravated sexual assault on a minor girl who is daughter of his colleague, the punishment imposed by the General Court Martial of dismissal and five years rigorous imprisonment, which punishment has already been upheld by the Tribunal, needs no interference by this Court.

9. The argument that this Court should sympathetically consider the punishment cannot be accepted as the petitioner has not committed a mistake but committed has an offence and that too against a minor for which, he has been suitably punished.

10. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Accordingly, the writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

September 04, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No