

H.C.Arora, Advocate - Versus State of Punjab and others

Present : Mr. R.S.Bains, Advocate, for the petitioner.  
Mr. Rupinder Khosla, Addl. A.G. Punjab,  
for respondents No.1 to 3.  
Mr. G.S.Bajwa, Advocate, for respondent No.4.  
Mr. R.K.Malik, Sr. Advocate with  
Mr. V.S.Malik, Advocate, for respondent No. 5.  
Mr. J.S.Bhatia, Advocate, for respondent No. 6.  
Mr. S.S.Randhawa, Advocate, for respondent No. 10.

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The grievance raised in the writ petition filed as Public Interest Litigation is that the respondents No. 4 to 11 have been convicted for the offence under Section 302 of Indian Penal Code yet they are still in service.

The materials furnished by the petitioner in respect of the respondents No. 8 and 10 do not appear to be very accurate. Infact, the respondent No.8, namely, Inspector Harinder Pal Singh has been convicted under Section 304 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for one year whereas learned counsel for respondent No. 10 submits that the respondent No. 10, namely, Head Constable Jaswant Singh has been convicted under Sections 323/324 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for one year. The above material would definitely take out the respondents No. 8 and 10 from the purview of the present order.

In so far as the other respondents are concerned, it is not disputed before the Court that all of them have been convicted under Section 302 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for life. Learned counsel for the respondents No.4 and 5, however, have submitted that sentence against them have been suspended by this Court in the appeals filed. Suspension of sentence does not amount to stay/suspension of the conviction which continues to hold the field.

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According to us, a person convicted for the offence of murder under Section 302 of the Indian Penal Code and sentenced to life imprisonment, notwithstanding the suspension of sentence and release of such a person on bail by the Appellate Court, is not entitled to remain in service. A person convicted for a heinous offence like murder cannot be permitted to continue in service in larger public interest and keeping in mind the social good that public service is committed to bring to the citizens.

We, therefore, direct the Director General of Police, Punjab to forthwith take necessary action in the matter against the respondents No. 4, 5, 6, 7, 9 and 11, namely, Ravinder Kumar, DSP, Rajinder Pal Arand, DSP, Malwinder Singh, ASI, Constable Manjeet Singh, Constable Dalveer Singh and Constable Gurcharan Singh and ensure that they cease to remain in service until the appeals filed by them before the Appellate Courts against their conviction are disposed of. The Director General of Police, Punjab will take immediate action in the matter to ensure that necessary compliance orders are placed before the Court on the next date fixed.

List on 21.02.2011:

A copy of this order be furnished to Mr. Rupinder Khosla, Addl. Advocate General, Punjab, for compliance, in the course of the day.

(RANJAN GOGOI)  
CHIEF JUSTICE

(AUGUSTINE GEORGE MASIH)  
JUDGE

17.02.2011

'ravinder'

PUNJAB & HARYANA HIGH COURT

*Handwritten notes:*  
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deleted with order  
in PP No 138 of  
2011

*Handwritten notes:*  
Recd Copy  
Balbir Singh  
Subd. 11/11/11  
Home - 11/11/11  
Pb civil Sectr