

(2026) 08 P&H CK 0481
In the Punjab And Haryana At Chandigarh
Case No : CRM M-42739 of 2026

Tilak Raj

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

BNSS, 2023 — Section 528, 430(1)

Indian Penal Code, 1860 — Section 279, 304-A, 427, 337, 338

Bharatiya Nyaya Sanhita — Section 281, 106, 324, 125

Citation : (2026) 08 P&H CK 0481

Hon'ble Judges : N.S. Shekhawat, J

Bench : Single Bench

Advocate : Mr. Peeush Gagneja, Advocate for the petitioner. Mr. M.S. Bajwa, DAG, Punjab.

Final Decision : dismissed

Judgement

1. The petitioner has filed the present petition under Section 528 of BNSS, 2023 with a prayer to quash the order dated 28.07.2026 passed by the Court of Sessions Judge, Fazilka in CRM-796-2026 CNR No.PBFZC0-005277-2026 titled ***Tilak Raj versus State of Punjab***, in FIR No. 45 dated 31.07.2018 registered under Sections 279, 304-A, 427, 337 and 338 of IPC, (Sections 281, 106, 324 and 125 of the Bharatiya Nyaya Sanhita, respectively), whereby, the application filed by the petitioner under Section 430 (1) of BNSS for suspension of conviction of the petitioner was dismissed.

2. Learned counsel for the petitioner submits that the petitioner was serving on the post of Central Head Teacher in Village Pakka Kale Wala, Tehsil Jalalabad (W), District Fazilka. He was falsely involved in a case, FIR No. 45 dated 31.07.2018 registered under Sections 304-A, 337, 338, 427 and 279 of IPC at Police Station Amir Khas and was tried by the Court of Judicial Magistrate, First Class, Jalalabad. Ultimately, vide judgment and order dated 12.10.2023 (Annexure P-2), the petitioner was held guilty for committing offence punishable under

Sections 279, 304-A, 337, 338 and 427 IPC and was sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of ₹ 1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of 15 days for the offence punishable under Section 279 IPC. He was further sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹ 5,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month for the offence punishable under Section 304-A IPC. For the offence punishable under Section 427 IPC, he was sentenced to pay a fine of ₹ 2,000/-, and in default of payment of fine, to further undergo imprisonment for a period of seven days. He was also sentenced to undergo rigorous imprisonment for a period of three months and to pay a fine of ₹ 500/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of 15 days for the offence punishable under Section 337 IPC. Further, for the offence punishable under Section 338 IPC, he was sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹ 1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of 15 days. Ultimately, the petitioner filed an appeal before the Court of Sessions Judge, Fazilka. During the pendency of the present appeal, the petitioner moved an application under Section 430 (1) of BNSS with the prayer to suspend the conviction on the ground that the petitioner wanted to contest an election for the purpose of member of Senate of Panjab University, Chandigarh, and the schedule for the said election has already been announced by the University. Even the petitioner had already obtained requisite permission from his department for contesting the aforesaid election, but due to the conviction by the trial Court, he was unable to contest the said election. Thus, the application was moved before the appellate Court for suspension of conviction of the present petitioner, which was wrongly declined.

3. I have heard learned counsel for the petitioner and perused the record carefully.

4. The issue regarding staying the conviction of a convict in a corruption case has been considered by the Hon'ble Supreme Court in the matter of **State of Maharashtra through CBI, Anti Corruption Branch, Mumbai Vs. Balakrishna Dattatrya Kumbhar, 2012(12) SCC 384; 2012(4) RCR (Criminal) 740**, and held as follows:-

"8. In K.C. Sareen v. Central Bureau of Investigation, Chandigarh, AIR 2001 SC 3320, this Court examined a case wherein a government servant who had been convicted under the provisions of the Prevention of Corruption Act would lose his job in the event that the conviction was not stayed. The Court held that when a public servant is found guilty of corruption by a Court, he has to be treated as corrupt until he is exonerated by a superior Court in appeal/revision. Mere stay of the conviction during the pendency of the appeal should not confer any benefit upon such an employee, for the reason that if such a public servant is permitted to hold office and to perform official acts (unless he is absolved from such findings by a superior Court), public interest may suffer tremendously. It may also impair the moral of other persons manning such office and

may further, erode the confidence of the people in public institutions, besides of course, demoralising all other honest public servants.

9. In **State of Maharashtra v. Gajanan & Anr., 2004(1) RCR (Criminal) 317, 2004(2) Apex Criminal 209**, this Court reiterated a similar view, placing reliance upon the judgment in *K.C. Sarin (supra)* and **Union of India v. Atar Singh & Anr., (2003) 12 SCC 434**. In the latter case, this Court held that an order of conviction should not be suspended merely on the ground that non-suspension of such conviction may entail the removal of the government servant from service.

10. In **Ravikant S. Patil v. Savabhuma S. Bagali, (2007) 1 SCC 673**, this Court held as under:-

"It deserves to be clarified that an order granting stay of conviction is not the rule but is an exception to be resorted to in rare cases depending upon the facts of a case. Where the execution of the sentence is stayed, the conviction continues to operate. But where conviction itself is stayed, the effect is that the conviction will not be operative from the date of stay. An order of stay, of course, does not render the conviction non-existent, but only non-operative.....All these decisions, while recognizing the power to stay conviction, have cautioned and clarified that such power should be exercised only in exceptional circumstances where failure to stay the conviction, would lead to injustice and irreversible consequences." (emphasis added)

11. In **Navjot Singh Sidhu v. State of Punjab & Anr., 2007(1) RCR (Criminal) 836: 2007(1) R.A.J. 310**, this Court held that the Appellate Court can suspend "an order appealed against", i.e. an order of conviction, only if the convict specifically establishes the consequences that may follow if the operation of the said order is not stayed. Stay of conviction must be granted only in a rare case and that too, only under special circumstances. (See also: *State of Punjab v. Navraj Singh AIR 2008 (3), RCR (Criminal) 614: 2008(4) R.A.J. 373: 2008 SC 2962*; and *CBI, New Delhi v. Roshan Lal Saini, AIR 2009 SC 755*).

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13. The instant case is required to be examined in light of the aforesaid settled legal propositions. The relevant part of the impugned order reads as under:

"As the applicant would suffer serious prejudice on account of order of dismissal, in my opinion, the applicant is justified in applying to this Court for suspending the order of conviction so that the Department shall not precipitate the matter further. The applicant through counsel fairly submits that relying on this order, the applicant will not claim further relief of setting aside the order of suspension which is already operating against the applicant passed by the Department on 1st November, 2007."

14. The aforesaid order is therefore, certainly not sustainable in law if examined in light of the aforementioned judgments of this Court. Corruption is not only a punishable offence but also undermines human rights, indirectly violating them, and systematic corruption, is a human rights' violation in itself, as it leads to systematic economic crimes. Thus, in the aforesaid backdrop, the High Court should not have passed the said order of suspension of sentence in a case involving corruption. It was certainly not the case where damage if done, could not be undone as the employee/respondent if ultimately succeeds, could claim all consequential benefits. The submission made on behalf of the respondent, that this Court should not interfere with the impugned order at such a belated stage, has no merit for the reason that this Court, vide order dated 9.7.2009 has already stayed the operation of the said impugned order"

5. In the present case also, the petitioner was convicted by the trial Court on 12.10.2023. After filing the appeal before the appellate Court, the present petitioner moved an application for suspension of conviction also. However, vide order dated 26thOctober 2023, the appellate Court had declined the prayer made by the petitioner for staying the conviction of the petitioner. However, he preferred not to challenge the said order before this court. Now, again without disclosing the filing of the earlier application, another application was moved before the appellate Court for staying the conviction of the petitioner and on the ground of concealment of material facts, the prayer was declined by the appellate Court correctly. Even otherwise, I have carefully perused the facts of the present case and the petitioner has failed to make out an exceptional case in his favor for staying the conviction.

6. Consequently, in view of above discussion and the law laid down by the Hon'ble Supreme Court, the present petition deserves to be dismissed by this Court.

7. Dismissed.