

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.5771 of 2014 (O&M)

Date of Decision : 19.02.2015

Jagir Singh

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1)Whether reporters of local newspapers may be allowed to see the judgment?

2) To be referred to the Reporters or not?

3) Whether the judgment should be reported in the Digest?

Present : Mr. Vishal Goel, Advocate for
Mr. J.S.Thind, Advocate for the petitioner

Ms. Monica Chibber Sharma, DAG, Punjab

MAHESH GROVER, J.

CM no. 2109 of 2015

Allowed as prayed for.

Main case

The petitioner impugns the Annexure P-1 vide which he has been transferred from Amritsar Commissionerate to District Fazilka.

Learned counsel for the petitioner refers to Rule 14.15 (5) extracted herebelow to contend that if a criminal case has been registered against a police official and proceedings pending pursuant thereto he cannot be transferred out of the District:-

“No police officer against whom criminal proceedings have been instituted shall be transferred to another district until the final order is passed in respect of such

proceedings.”

By way of an application no. CM no. 2109 of 2015 he has placed on record order Annexure P-2 whereby he has been summoned under the provisions of Section 319 Cr.P.C to stand trial in FIR no. 21 dated 1.3.2010 registered under Sections 452, 427, 354, 323, 506, 34 IPC at PS Chherratta, Amritsar. Reliance has also been placed on decision rendered by this Court in case titled as **Madan Mohan Lal, Head Constable vs. The State of Haryana through IG, Police Haryana** reported as 1968 SLR 501. Noticing that the rule forbids an officer of the police force to be transferred out in the event of criminal case pending and finding one to be pending against the petitioner and also keeping in view the observations made by this Court in Madan Mohan Lal's case (supra), I accept the petition and set aside the order of transfer (Annexure P-1). Petition stand allowed with a direction to the respondents to restore the service of the petitioner to the very same District where he was posted and was facing trial.

February 19, 2015
rekha

(MAHESH GROVER)
JUDGE