

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 21369 of 2016
Date of Decision: May 22, 2017

ASI Bhanwar Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sat Narain Yadav, Advocate,
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

P.B. Bajanthri, J. (Oral)

1. In this writ petition, petitioner has sought for direction restraining the disciplinary authority to continue with the departmental enquiry pursuant to FIR No. 484 dated 17.09.2016, registered under Sections 223/224 of the Indian Penal Code.

2. During pendency of this litigation, criminal proceedings against petitioner stands dropped vide order dated 17.04.2017, which reads as under:-

“Today the case was fixed for awaiting of challan however an application for discharge of the accused Bhawar Singh s/o Chet Ram moved by SHO, P.S. Punhana. Heard. It has come into investigation that accused is not involved the afore stated crime and police does not want to prosecute him. Heard. File perused. Considering same, all proceedings against accused stands dropped. His bail bonds and surety bonds are

discharged. File be consigned to record room.”

3. Now what remains is whether respondents can proceed with a departmental enquiry or not.

4. Supreme Court time and again held that parallel proceedings like disciplinary proceedings and criminal proceedings are permitted. Therefore, it is for the disciplinary authority to examine whether departmental enquiry can be continued with reference to allegations made in the criminal proceedings and conduct leading to petitioner involvement in the allegations are identical and various factors are required to be taken into consideration before proceeding in the disciplinary proceedings. Therefore, the disciplinary authority is hereby directed to take a decision whether criminal proceedings and disciplinary proceedings are identical or not. Such decision should be taken within a period of three months from today.

5. With the above observations, instant writ petition stands disposed of.

May 22, 2017
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No