

201 IOIN-CRM-M-36603-2016 AND
IOIN-CRM-M-39333-2016

Balbir Singh and another Vs. State of Haryana

Present: None for the petitioners.

Mr. Vikas Chopra, D.A.G., Haryana.

Learned counsel for the respondent-State submits that the instant petition was dismissed on 02.12.2016, but was kept pending for the outcome of the enquiry ordered by this Court to be conducted by the Commissioner of Police, Ambala, under the supervision of Inspector General of Police, Ambala Range, Ambala. Pursuant thereto, Superintendent of Police, Ambala, by way of his affidavit, submitted a status report dated 31.01.2017 that on 25.01.2017, Sections 120-B, 292 I.P.C. and Section 3(1)(d)(r)(s) of the SC/ST Act have also been added in the case. That apart, learned counsel for the State on 01.02.2017 also informed that departmental proceedings have also been initiated against the erring police officials, who did not take preventive measures regarding the incident. Thereafter, another status report was filed by Superintendent of Police, Ambala dated 23.03.2017 in the shape of affidavit, testifying that in departmental enquiry the erring officials namely ESI Gulshan Kumar and EHC Krishan Lal have been held guilty of the charges by the enquiry officer and consequently, they have been awarded punishment of stoppage of one annual increment with temporary effect. Still being dissatisfied, the Coordinate Bench of this Court on 22.03.2017 held that the order passed by the competent authority for stoppage of one annual increment with temporary effect is only a farce to shield the delinquent officials (petitioners). The Superintendent of Police, Ambala was further directed to file the reasoning for accepting the recommendation made by the enquiry officer i.e. DSP as to whether the

complainant(s) were joined in the enquiry and whether in such a heinous hate crime, such a lenient view for dereliction of duty would not undermine the faith of the common man in the police. Pursuant thereto, the Superintendent of Police, Ambala, in his reply by way of affidavit has justified his action of stoppage of one annual increment of both the aforesaid delinquent/erring police officials with temporary effect. Being still dissatisfied with the aforesaid reply, the Coordinate Bench again vide order dated 26.04.2017, directed the Secretary (Home) Haryana, to look into the matter and advise the Superintendent of Police, Ambala, accordingly.

Learned counsel for the State contends that in compliance of the said order, Deputy Advocate General has written to the Additional Chief Secretary to Government of Haryana to comply with the order of this Court dated 26.04.2017 and to advise the Superintendent of Police, Ambala accordingly. So now the matter is to be dealt with by the Additional Chief Secretary Home for giving proper advice to the Superintendent of Police, Ambala to take appropriate action against the erring officials, for which it would not be appropriate to keep the instant petition pending, already dismissed on 02.12.2016.

Disposed of accordingly.

Photocopy of this order be placed on the file of the other connected case.

(RAMENDRA JAIN)
JUDGE

04.08.2017
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Whether speaking/ reasoned Yes/ No

Whether Reportable Yes/ No