

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.17375 of 2019
Date of decision:03.07.2019**

Balram

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Amandeep Rana, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Notice of motion.

On asking of Court, Ms. Palika Monga, Deputy Advocate General, Haryana, who is present in Court accepts notice on behalf of respondents.

Apprehension expressed in present writ petition is that department is continuing with the departmental enquiry during pendency of criminal trial in FIR no.74 dated 24.03.2018 under Section 68 of Punjab Excise Act, 1914 registered at Police Station Parao, Ambala Cantt.

As per averments in petition, petitioner is stated to have been enrolled on 04.04.2012 as Constable. On 24.03.2018, while travelling in bus, he was found in drunken condition resulting into lodging of FIR. On the same allegations, department has also issued charge-sheet and initiated departmental proceedings.

An attention of this Court has been drawn to the list of witnesses both in criminal case as well as in department proceedings whereby two same witnesses namely Rajinder Singh and Ajit Kumar, Head Constable were shown. According to learned counsel for the petitioner, Ajit Kumar and Ajitpal are one and same person. The next date in criminal case was fixed as 03.10.2019 for prosecution witnesses whereas in departmental enquiry 26.07.2019.

Ms. Palika Monga, learned Deputy Advocate General, Haryana submitted that there is no bar for initiation of department enquiry alongwith criminal case which can be initiated and go side by side.

I have heard learned counsel for parties, appraised paper book and of view that apprehension expressed has some force. The date fixed in departmental proceedings is much prior, as noticed above, to the date fixed in criminal case.

It is in these circumstances, I deem it appropriate to dispose of writ petition by issuing directions to respondents not to examine aforementioned two witnesses in departmental proceedings until they are examined in criminal case on the date fixed i.e. 03.10.2019 or on subsequent date.

This order would not debar enquiry officer to continue with enquiry or examination of other witnesses. It is made clear that in case it is found that petitioner is delaying cross-examination of witnesses, department shall be at liberty to seek further clarification of this order after noticing the orders of trial Court.

Writ petition stands disposed of.

July 03, 2019

savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No