

CWP-18005-2019

154

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

CWP-18005-2019

Date of decision : 08.07.2019

Ravinder and others

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Dr. Suresh Kumar Redhu, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

Notice of motion.

On asking of the Court, Ms. Shruti Jain Goyal, DAG, Haryana,
who is present in Court, accepts notice on behalf of the respondent(s)/State.

The petitioners have invoked the jurisdiction of this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari*, quashing order dated 12.11.2018 (Annexure P-2), vide which, the Deputy Commissioner of Police, Faridabad, had initiated the departmental enquiry on having been falsely implicated in a criminal case bearing FIR No.462 dated 03.11.2018 registered under Sections 365/323/325/342/506/34 IPC, at Police Station Old Faridabad and subsequent proceedings summary of allegations dated 20.12.2018 (Annexure P-3).

Learned counsel for the petitioners submits that in both

CWP-18005-2019

departmental and criminal proceedings, most of the witnesses are common/identical. In case the witnesses are examined in departmental proceedings, then it will affect their rights in defending the criminal proceedings. He relies upon notice of motion order dated 01.03.2013 passed in **CWP No.3516 of 2013** titled as **“Satbir Singh V/s State of Haryana and others”**, whereby departmental proceedings were ordered to be kept in abeyance.

Keeping in view the aforementioned facts and circumstances, I deem it appropriate to dispose of the present writ petition with a direction to the Department not to examine the common/identical witnesses, until and unless, they examined in the criminal proceedings first, whereas the departmental proceedings qua other set of witnesses, may continue.

It is made clear that in case, the petitioners are found to delaying in cross-examination of same set of the witnesses in the criminal proceedings, this order will not come in the way of the department to examine the said witnesses.

08.07.2019

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**