

**Sr. No.202
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.1978 of 2014 (O&M)
Date of Decision: 09.05.2019**

Fateh Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Zoravar Singh, Advocate,
for the petitioner.

Mr. Sunil Kumar Vashisth, DAG, Haryana.

ARUN MONGA, J.(ORAL)

CM No.5785-CWP of 2019

Application is allowed, as prayed for.

Annexure P-10 is taken on record.

Main case

Impugned herein is an order dated 29.08.2013 (Annexure P-9) passed by learned Lokayukta, Haryana whereby petitioner who, at the relevant time, while serving as 'Sub Inspector' and being an Investigating Officer, was held guilty of carrying out investigation in an unfair and unjust manner.

2. Pursuant thereto, learned Lokayukta, Haryana made a recommendation to the competent authority to take action against the petitioner and send report of the same to learned Lokayukta, Haryana under Section 17(2) of the Haryana Lokayukta Act, 2002.

The operation of the impugned order was stayed by this Court during pendency of the writ petition.

3. Learned counsel for the petitioner points out that pursuant to the investigation carried out by the Sub Inspector/petitioner, a cancellation report was submitted in FIR No.45 dated 31.03.2010, which did not find favour with the Lokayukta, owing to which he was held guilty for conducting the investigation unfairly. The said cancellation report was also challenged by the complainant through Protest Petition before Competent Criminal Court.

4. After going through the relevant records and after hearing learned counsel for the parties, the Court of Judicial Magistrate Ist Class, Yamuna Nagar vide order dated 28.03.2012 (Annexure P-3) upheld the cancellation report. On 28.03.2012, accused No.3 Fateh Singh (petitioner herein) was discharged as no offence under Section 218 of Indian Penal Code was made out.

5. As regards the other allegations of the complainant, challenging the cancellation report, the Judicial Magistrate Ist Class summoned the other accused for trial, in accordance with law. All the accused, qua whom the cancellation report was filed by the petitioner, were also acquitted on conclusion of the trial.

6. The complainant, thereafter, preferred an appeal against acquittal of the said accused before this Court. Vide order dated 16.08.2017 (Annexure P-10), this Court upheld the acquittal of all the accused as was recommended by the petitioner at the time of

filing the cancellation report by saying that no case is made out against them.

7. In the circumstances, learned counsel for the petitioner submits that learned Lokayukta was not justified in recommending action qua the petitioner pursuant to the cancellation report filed by him which found favour not only with the trial Court but also by this Court in judicial proceedings.

8. I am in agreement with the arguments canvassed by learned counsel for the petitioner and in the premise, the impugned order dated 29.08.2013 passed by the learned Lokayukta, Haryana is set aside.

9. Petition stands disposed of.

(ARUN MONGA)
JUDGE

09.05.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No