

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

**CWP No.19289 of 2019
Date of decision:18.07.2019**

Constable Mohd. Sadiq @ Aneesh ... Petitioner(s)

Vs.

State of Haryana and others ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sarfraj Hussain, 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 petitioner has 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 17.03.2018 (Annexure P-2), vide which, Deputy Superintendent of Police, Palwal, had initiated the departmental enquiry on having been falsely implicated in a criminal case bearing FIR No.1 dated 15.02.2018 registered under Section 7/13 of Prevention of Corruption Act, at Police Station SVB District Faridabad.

Learned counsel for the petitioner submits that in both 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 petitioner is found to be 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.

(AMIT RAWAL)
JUDGE

July 18, 2019
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No