

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

**CWP No.21521 of 2019  
Date of decision:16.08.2019**

Nagender Constable

... Petitioner

Vs.

State of Haryana and others

... Respondent

**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, Mr. Kiran Pal Singh, Assistant Advocate General, 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 11.07.2019 (Annexure P-2), vide which, the Commandant Ist Bn, HAP, Ambala City had initiated the departmental enquiry on having been falsely implicated in a criminal case bearing FIR No.0054 dated 03.05.2019 registered under Sections 25/54/59 of Arms Act, at Police Station Bond Kalan District Charkhi Dadri.

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

August 16, 2019  
savita

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |