

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

**CWP No.26718 of 2019
Date of decision:25.09.2019**

Prahlad Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rakesh Sobti, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner 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 14.01.2019 (Annexure P-2) vide which Superintendent of Police, Nuh has ordered departmental proceedings against the petitioner by appointing respondent no.4 as Enquiry Officer during pendency of criminal proceedings in case FIR No.0002 dated 14.01.2019 under Section 7 of Prevention of Corruption Act, Police Station, SVB Gurugram.

Learned counsel for 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 are examined in the criminal proceedings first, whereas the departmental proceedings qua other set of witnesses, may continue.

It is made clear that in case petitioner is found to be involved in delaying tactics 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

September 25, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No