

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-32158-2018 (O&M)
Date of decision: 18.01.2019

Sukhdarshan Constable No. 1258/JJR

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Dr. S.K. Redhu, Advocate for the petitioner.

Ritu Bahri, J. (Oral).

CM-19358-CWP-2018

Application is allowed and the enquiry report dated 11.05.2015

(Annexure P-1) is taken on record.

CWP-32158-2018

The petitioner is seeking quashing of the order dated 10.05.2018 (Annexure P-8) whereby mercy appeal has been dismissed.

A perusal of the enquiry report dated 11.05.2015 (Annexure P-1) shows that the petitioner was issued chargesheet alongwith other officials EASI Sat Narain, Constable Rajender Singh, Constable Krishan and Constable Sukhdarshan who were posted in Police Post Sector 06 Bahardurgarh. In the chargesheet, it was alleged that they had taken bribe of Rs.30,000/- from complainant Sant Ram son of Girwar Singh resident of Inayatpur District Ghaziabad (Uttar Pardesh). On 12.10.2010 at about 10:30 p.m., Sant Ram alongwith his relatives was going to meet his relative in a car No. UP-14BZ-7172 Wagon R and he was carrying Rs. 3

lacs. When they were crossing City Bahardurgar city near Sankhol, two police officials stopped the vehicle and checked the documents of vehicle and vehicle was also checked and after checking the vehicle thoroughly, they were asked to go. On having doubt, the complainants checked the money and found shortage of Rs.30,000/-. On 13.10.2014, complainant submitted an application to I.G. and mentioned that a compromise has taken place as per the statement of prosecution witness No. 6 i.e. Sant Ram complainant. He has submitted that a compromise has taken place and got the statement recorded.

A perusal of the enquiry report placed on record by learned counsel for the petitioner further shows that the money has been received from Sat Narain, Rajender Singh, Krishan Kumar and Sukhdarshan and the compromise has taken place. A copy of the compromise was part of the inquiry proceedings.

After going through the enquiry report (Annexure P-1), a show cause notice of dismissal was given to the petitioners, however, keeping in view the length of service and the fact that their families would suffer the difficulties, the punishment of stoppage of three future increments with permanent effect was passed. During dismissing the appeal, revision and mercy appeal, the plea taken by the petitioner was that his specimen signature was not compared with the signature on the compromise note. The petitioner while leading the evidence in defence had not made application for comparing the signature with the signature on the compromise note. He was given full liberty to lead evidence in his favour.

Hence, the impugned orders do not require any interference.

Dismissed.

18.01.2019
Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No