

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.4682 of 2020(O&M)
DECIDED ON : 20.02.2020

Insp. Ravi Kant

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present : Mr. Manish Soni, Advocate
for the petitioner.

GIRISH AGNIHOTRI, J. (ORAL)

The present petition has been filed by petitioner-Ravi Kant, Inspector, *inter alia*, with the prayer to quash the order dated 11.12.2019 (Annexure P-3). Vide order dated 11.12.2019, the petitioner has been placed under suspension being named in the FIR No.95 dated 10.12.2019 (Annexure P-2).

The petitioner has further prayed that the grievance of the petitioner is in respect of initiation of departmental enquiry which has been ordered against the petitioner whereas criminal trial in the FIR is still pending.

Learned counsel relies on order dated 02.09.2019 passed in CWP No.20346 of 2019.

Notice of motion.

On the asking of the Court, Ms. Safia Gupta, Assistant Advocate General, Haryana, accepts notice on behalf of the State.

Learned counsel for the petitioner submits that witnesses

namely Pankaj Sharma son of Hariom and Smt. Chetna, are the common witnesses. Their names finds mention in the list of witnesses appended along with the summary of allegations served upon the petitioner in the departmental enquiry.

Learned counsel then submits that the same names figure amongst the list of witnesses provided along with challan in criminal case.

In support of his contentions, reliance has been placed upon the *ratio decidendi* culled out by Hon'ble the Supreme Court in “***Capt. M.Paul Anthony V/s Bharat Gold Mines Ltd.***” 1999 (2) SCT 660.

Learned State Counsel submitted that there is no bar for continuation of departmental enquiry along with criminal case, which can be initiated and go side by side, but did not dispute the fact that few of the witnesses are common/identical in the proceedings.

I have heard learned counsel for parties, appraised paper book and of view that since few of witnesses are common/identical in both the proceedings, the Department shall not examine the common/identical witnesses, until and unless, they are examined in the criminal proceedings first, as there is perceptible apprehension of disclosing the defence.

At this stage, learned counsel for the petitioner submits that since he confines his prayer in the present writ petition to the aforesaid therefore qua any other prayer in the writ petition, he seeks liberty to challenge the same under separate proceedings, as per law.

Liberty is granted as prayed for.

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.

With the aforesaid observations, the present writ petition stands disposed of.

February 20, 2020
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(GIRISH AGNIHOTRI)
JUDGE

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO