

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17478 of 2017
Date of Decision: 26.02.2020

Ranbir Singh

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Naveen Daryal, Advocate for the petitioner

Ms. Palika Monga, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

(1) Petitioner Ranbir Singh has filed the present writ petition *inter alia*, with a prayer to quash the charge-sheet dated 29.04.2017 (P4). Vide memo dated 29.04.2017, a decision has been taken by the disciplinary authority to commence the departmental proceedings. Learned counsel for the petitioner based upon the pleadings in the writ petition submits that the proceedings against the petitioner were primarily on the allegations which were also subject matter in criminal case FIR No.274 dated 06.04.2017.

(2) Learned counsel places reliance upon the judgment of the Hon'ble Supreme Court in **M.Paul Authority vs. Bharat Gold Mine Ltd. 1999(2) SCT 660.**

(3) Notice of motion in this case was issued on 08.08.2017. The said order reads as under:-

"Notice of motion be issued to the respondents.

On the asking of the Court, Mr. R.K. Doon, AAG, Haryana, accepts notice on behalf of the respondents.

Adequate number of copies of the petition be handed over to him immediately.

Adjourned to 16.08.2017.

Till that date, the witnesses in the disciplinary proceedings be not examined, as learned counsel for the petitioner is making a specific contention that examination of such witnesses would prejudice the petitioner in the criminal proceedings which have just commenced, by the registration of an FIR.”

(4) Mr. Moji Ram, HPS, SP, Hodal has filed reply on behalf of respondents No.1 to 4 dated 22.08.2017.

(5) Today on the resumed hearing of the case, learned counsel for the petitioner has submitted that recently on 05.09.2019, the Sessions Court has held that prosecution has failed to prove the guilt of accused and as such the petitioner stands discharged. In this view of the matter, learned counsel for the petitioner submits that no further orders are called for.

(6) The writ petition is accordingly disposed of as infructuous.

26.02.2020
Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No