

CWP-21184-2021

Date of Decision : 03.11.2021

KULBIR SINGH

...Petitioner

Versus

STATE OF HARYANA AND ORS

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Ashwani Bhardwaj, Advocate for the petitioner.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Articles 226/227 of the Constitution of India is for the issuance of a writ, order or direction especially in the nature of certiorari to set aside order Annexure P-1 dated 21.05.2015 passed by the Superintendent of Police Hisar, order Annexure P-2 dated 11.08.2015 passed by the Inspector General of Police, Hisar Range, order Annexure P-3 dated 21.10.2015 passed by the Director General of Police against the petitioner during the pendency of the criminal proceedings on the same set of allegation before the Ld. Judicial Magistrate vide which two increments were stopped with cumulative effect on account of the petitioner being involved in village feuds in respect of which FIR No. 946 dated 15.10.2014 was registered under Sections 323, 325, 506, 34 IPC at Police Station Sadar Hisar whereas the petitioner has been acquitted in the aforementioned FIR vide judgment Annexure P-5 dated 08.02.2017.

2. At the outset, learned counsel for the petitioner states that the petitioner has also filed mercy appeal under Rule 16.32 of Punjab

Police Rules 1934 before respondent No.1 but the same has not been

decided till date, therefore, the petitioner would be satisfied if the writ petition is disposed of by directing the competent authority to decide mercy appeal dated 07.04.2016 in a time bound manner .

3. Notice of motion.

4. Mr. Tapan Kumar, DAG, Haryana accepts notice on behalf of the respondents and after perusal of the writ petition as well as in view of the statement of learned counsel for the petitioner states that he has no objection to the limited prayer made by learned counsel for the petitioner.

5. Accordingly, in view of the statement of learned counsel for the parties, the writ petition is disposed of by directing respondent No.1 to decide the mercy appeal under Rule 16.32 of Punjab Police Rules 1934, dated 07.04.2016 which is stated to have been filed by the petitioner in accordance with law within three months from the date of receipt of certified copy of the order alongwith copy of the mercy appeal already filed by the petitioner.

6. Petition disposed of with the aforementioned directions.

(B.S. Walia)
Judge

03.11.2021

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<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>