

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

CWP-21663-2021

Date of decision: 27.10.2021

Sheeshraj

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Aditya Yadav, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Impugned herein *inter alia* is a punishment order dated 24.05.2019 (Annexure P-6) vide which petitioner has been awarded punishment of stoppage of one annual increment with permanent effect. Assertion is that the same is against Rules 16.23 and 16.24 of the Punjab Police Rules. Further prayer is to also quash the appellate order dated 18.07.2019 and revisional order dated 05.10.2020 vide which the punishment order has been upheld by the superior authorities.

2. On advance service, learned State counsel appears and strongly opposes the issuance of notice.

3. Having heard rival contentions, I am of the view that petition deserved to be dismissed in *limine*.

4. Petitioner is serving a police official in the rank of Exemptee Sub Inspector. He was the designated Investigating Officer at the relevant time to investigate the complaint dated 28.12.2018 which resulted in an

FIRNo.2 dated 02.01.2019 registered under Sections 365, 302, 201 IPC and 6 of the POCSO Act in Police Station Jhajjar.

5. It would be relevant to reproduce the charges levelled against the petitioner in order to understand the nature/ intensity of delinquency attributed to him, as below:

“there is the charge against you ESI/ASI Shesh Raj Number 450/JJR that when you were posted as the Investigating officer in the police Station Jhajjar and then on 02.01.19, at around 08.00/08.30 hours received the information in the police station Jhajjar through telephone that the dead body of Luxami daughter of Reet Ram caste Kashyap resident of Nakvi Nayuva district Bareilly Utter Pradesh is lying in the bushes, herds near the Jiwan Bhatha (brick Kiln) Company in the area of Silana. Upon which, the case Number 2 dated 01.01.19 has been registered under Section(s) 365, 302, 201, I.P.C. & 6 POSCO Act in Police Station Jhajjar on the application of Lal Karan son of Puran Lal resident of Nayuva Bhavanpur, Police Station Kulaiya, Tehsil Nawabganj, district Bareilly (U.P). Whereupon receiving the information, Shri Hans Raj H.P.S., Deputy Superintendent of Police, Head Quarters, Jhajjar, reaching on the spot at the site of event, conducted the investigation of this case. That from the investigation, verification and from the site situation, from the facts, it is found that the deceased Luxami & aged 11/12 years had gone from the Jiwan Bhatha (Kiln) Company Silana on 27.12.18 in the evening approximately at 06.00/06.15 p.m. from the slums (Jhungies/huts) on the shop for purchasing the items but she has not come back in the Jhugies after taking the items from the shop, regarding which, her family members searched her very much but did not found any clue about Luxami and come to know that at the very same time, one boy, named Santosh son of Baldev Parshad caste Kashyap resident of Nakvi Nayuva district Bareilly U.P. was also missing from the brick kiln and this boy had also come on 24.12.18 with the family members of deceased Luxami for doing the work on this brick kiln and the family members of the deceased had given it information on 28.12.18 in the morning at around 10.00/10.15 in the police station. On this information you, ESI/ASI Shesh Raj Number 450/JJR, Police Station Jhajjar had gone at the brick kiln for taking action and the family members of the deceased had given a written application to you ESI/ASI Shesh Raj Number 450/JJR but you ESI/ASI Shesh Raj Number 450/JJR has not taken any action on that application, whereas, previously in connection with the crime against the women/ child’s SOP has issued the instructions, directions verbally and written many times. Therefore, receiving the information of the crime against the

women/ Child's, not taking action and ignoring the instructions issued by the officers, you ESI/ASI Shesh Raj Number 450/JJR have given the proof of committing the grave negligence and indiscipline in performing your duty and you Inspector Sukhbir Singh SHO Police Station, Jhajjar, due to having no control on the police station and on the investigation officers of the police station Jhajjar, you Inspector Sukhbir Singh being SHO of the Police Station, Jhajjar, having proper time, not taking suitable action on the above said complaint, you have given the proof of committing the grave negligence and indiscipline in performing your duty."

A perusal of above reveals that a young girl namely, Luxami, 12-year old had gone missing. Being a responsible officer of the disciplined force certain alacrity was required on the part of the petitioner to immediately swing into action to do whatever was possible within his means to recover the young girl by ascertaining her whereabouts. Had the needful been done on time, perhaps that could have saved the life of the young girl. Her dead body was recovered later on after three days from Jiwan Bhatha (Kiln) Company, Silana, which is within the territorial jurisdiction of the police station where the case was registered.

Prima facie, it is borne out that if the negligence had not been shown by the petitioner, unfortunate and tragic consequences could have been perhaps avoided. Given that the search was required to be carried out to begin with from the near vicinity of the area from where the girl went missing and later her body was recovered.

6. Be that as it may, certain strict disciplinary proceedings are expected against the delinquent police officials from the concerned authority where negligence is shown even when such heinous crimes are committed and reported. Such delinquency cannot be just be ignored simply on the plea that superior authorities could not have *suomotu* exercised the jurisdiction to take disciplinary action merely as the complainant in the FIR

had not shown any grievance qua the delay on the part of the petitioner in taking the appropriate action. On perusal of record, I am of the opinion that the petitioner's denial of negligence was rightly rejected by the concerned authorities while passing/upholding the impugned punishment order. In fact, in totality of the circumstances, I am of the view that petitioner has been rather let off leniently. However, this Court refrains from making any further comments on the same. Since no grounds are made out to interfere, it would be rather in the interest of justice to simply dismiss the writ petition.

7. Dismissed accordingly.

27.10.2021
vandana/mahavir

(ARUN MONGA)
JUDGE

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