

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 765 of 2022

Date of Decision: 07.03.2022

Gurmej Singh HC

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ajay Kumar, Advocate
for Mr. Rishu Mahajan, Advocate
for the petitioner(s).

Mr. Nikhil Chopra, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioner prays for issuance of a writ in the nature of certiorari to quash the orders dated 23.11.2017, 12.01.2018 and 30.04.2019. In substance, increments for the two years of service of the petitioner, have been ordered to be confiscated.

2. The petitioner assails the correctness of the orders passed by the Senior Superintendent of Police, Inspector General of Police as well as the Director General of Police. The Senior Superintendent of Police had ordered the permanent confiscation of ten years of service for the purpose of future increments, which has now been reduced to two years service, by the Appellate Authority.

3. The certain facts are required to be noticed. The two bikers met with an accident, resulting in death of one and serious injuries to the second

one. The petitioner, who is a police official, on being deputed along with Balwinder Singh, a Head Constable, reached at the spot. Balwinder Singh left the place of accident to trace the offending vehicle. The petitioner took out two mobile phones along with handsets and a wallet containing money from the pocket of the deceased. The petitioner, thereafter, returned another mobile phone with ₹500/- to the legal representatives, whereas he kept one mobile phone and ₹13,000/- with him without disclosing these facts to the police. After a period of nine months of the occurrence of accident, one of the family members of the deceased dialled on the mobile phone, which connected to the petitioner. At that time, it transpired that the petitioner has not only kept the mobile phone of the deceased, but also ₹13,000/- belonging to the deceased. The Inquiry Officer, deputed to inquire into the matter, submitted a report after conducting the inquiry. Thereafter, the petitioner returned the mobile phone along with ₹13,500/-.

4. Heard the learned counsel representing the petitioner, at length and with his able assistance, perused the paper book.

5. It is evident that the petitioner has already been let off lightly. The petitioner is a member of disciplined police force. He has not spared even a dead man. Hence, no ground is made out to exercise the writ jurisdiction under Article 226 of the Constitution of India. Consequently, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

March 07, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No