

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

CWP No.5153 of 2020 (O&M)

Date of Decision.08.07.2022

Jasmer Singh

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

:-

JAISHREE THAKUR J. (ORAL)

The instant writ petition has been filed for setting aside the order of dismissal dated 31.07.2007 and the orders passed by the appellate authority and the revisional authority dated 29.09.2007 and 26.03.2008 respectively as well as the order dated 06.03.2019 passed by the Inspector General of Police, Rohtak Range, Rohtak and to reinstate the petitioner in service with all consequential benefits.

In the nutshell, the petitioner, who was appointed as Constable in the year 1992, was convicted in the year 2004 by the Additional Sessions Judge, Sonapat under Section 307 IPC read with Section 149 IPC. On the basis of the conviction, the petitioner was dismissed from service by order dated 31.07.2007. Against the order of conviction, an appeal was filed in the High Court vide CRA-S No.137-SB of 2005. During the pendency of the criminal appeal in this Court, the petitioner also preferred an appeal before Inspector General of Police, Rohtak Range, Rohtak, which was

dismissed on the ground of his conviction. The revision petition too was dismissed by the Director General of Police, Haryana by order dated 26.03.2008. After the dismissal of the revision petition, the appeal pending in the High Court came to be listed and by order dated 26.11.2018, the petitioner stood acquitted. Armed with the order of acquittal, the petitioner filed another appeal seeking reinstatement, which came to be dismissed by the Inspector General of Police, Rohtak Range, Rohtak. The order of acquittal was not taken into account, while dismissing the appeal primarily on the ground that the petitioner had already approached the authorities on an earlier occasion and had not been granted the necessary relief. The revision petition filed against the said order is pending consideration.

Learned senior counsel appearing for the petitioner would argue that the petitioner would be entitled to reinstatement in service with all consequential benefits, considering the fact that he stands acquitted by the High Court and the reasons for his dismissal was only his conviction.

Learned counsel appearing for the respondent-State would submit that the writ petition is premature, considering the fact that the revision petition is still pending consideration.

I have heard learned counsel for the parties and have perused the paper book. In view of the fact that the revision petition is pending consideration before the Director General of Police, the instant petition is disposed of by giving a direction to the revisional authority to reconsider the issue of the reinstatement of the petitioner, while taking into account subsequent events that have ensued namely acquittal of the petitioner. The decision in the revision petition would not be influenced in any manner by the earlier decisions taken prior to the acquittal of the petitioner. Let the

entire exercise be completed within a period of three months from the date of receipt of certified copy of this order and the decision communicated to the petitioner forthwith.

(JAISHREE THAKUR)
JUDGE

July 08, 2022

Pankaj*

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