

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

Sr. No.117

**Civil Writ Petition No.9519 of 2022
Date of Decision : November 29, 2022**

Balwant Singh Bajwa

...Petitioner

Versus

Financial Commissioner (Appeals), Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. R.K. Shukla, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner was appointed as Lambardar by the Collector. Appeal filed by the private respondent was dismissed, however, the revision petition succeeded. The Financial Commissioner has set aside his appointment *inter alia* on the ground of being involved in a criminal case.

Learned counsel for the petitioner has placed on record a copy of the judgment of acquittal dated 30.08.2010. On its basis, it has been argued that before commencement of the process of appointing a new Lambardar, the petitioner stood acquitted. Thus, the involvement in the criminal case could not have been held against him. Reliance has been placed upon ***Om Parkash vs. State of Haryana and others, 2015(1) L.A.R. 247*** and ***Shri @ Siri Niwas vs. State of Haryana and others, 2013(3) RCR (Civil) 261.***

A perusal of the judgment of acquittal dated 30.08.2010 shows that the petitioner had been involved in a case under Sections 3, 4 of Immoral Traffic Prevention Act, 1956 and he was acquitted along with the

other co-accused as there was a violation of Section 13 of the aforementioned Act which stipulates that search can only be conducted by a special police officer. Further, he has to call upon two or more respectable inhabitants, at least one of whom shall be a woman of the locality at the time of search. The search having not been done in compliance of the said provision, the petitioner was acquitted. It was not an honourable acquittal based on merits. Being involved in a case under the said Act creates a doubt about the character of the petitioner and the same should have been kept in view while deciding the case of the lambardari. The judgment in ***Om Parkash (supra)*** is distinguishable. The nature of the case registered against the petitioner therein is not discernible from the judgment. Only an observation has been made that he was acquitted. Similarly, ***Shri @ Siri Niwas (supra)*** is also distinguishable as the nature of the offence committed therein is not discernible and also because the petitioner therein was honourably acquitted there being no evidence against him.

In view of the above reasons, the writ petition has no merit and is dismissed.

November 29, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No