

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

103

CWP-20726-2021

Date of decision:08.02.2022

SUMANJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Gulzar Mohammad, Advocate, for the petitioner.
Mr. Ayush Sarna, AAG, Punjab.**

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for issuance of a writ in the nature of mandamus to direct respondent no.2 (Police Commissioner, Jalandhar), to stay the departmental proceedings initiated against the petitioner during the pendency of criminal case arising from FIR No.7, dated 24.04.2021, registered under Section 7 of the Prevention of Corruption Act, 1988 and Section 120-B IPC, at Police Station Vigilance Bureau, Range Jalandhar.

The petitioner claims that since on the same allegations, the petitioner is facing criminal trial, therefore, the departmental proceedings are required to be stayed.

Mr. Ayush Sarna, Assistant Advocate General, Punjab, has disclosed that in the the departmental proceedings, only a report is required to be submitted as the remaining proceedings have already taken place. He submits that it will not be appropriate to withhold the report, particularly when there are serious allegations against the petitioner, who is a police official.

The concept of stay of departmental proceedings during the pendency of the criminal case is based on the principle enshrined in Article 20 of the Constitution of India which protects an accused from disclosing his defence. In the present case, substantive proceedings have already been concluded. The Inquiry Officer is only required to submit a report.

The learned counsel representing the petitioner has failed to draw the attention of the court to any infringement of Article 20 of the Constitution of India.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

February 08, 2022
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(ANIL KSHETARPAL)
JUDGE

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