

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

CWP No.5821 of 2023

Date of decision : April 18, 2023

Nasib Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Kewal Singh, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

By way of present writ petition, the petitioner seeks writ in the nature of Mandamus directing the respondents not to proceed the departmental enquiry initiated against the petitioner vide order dated 11.10.2022 (Annexure P-2) on the ground that on the basis of similar allegation the petitioner is facing FIR No.12 dated 9.9.2022 under Section 7 of Prevention of Corruption Act, 1988 and in view of the fact that the allegations levelled both in departmental proceedings and in the criminal trial relate to the same incident and the witnesses are also same. Thus, continuation of departmental proceedings during the course of criminal trial would prejudice the rights of the petitioner as he will have to disclose his defence while cross-examining the witnesses in the departmental proceedings. Reliance is being placed upon the judgment passed by a Division Bench of this Court in

the case of **Jarnail Singh Vs. State of Punjab and others in CWP-3726-2006**
decided on 16.01.2007.

It has further been submitted that a representation to the enquiry officer already stands furnished by the petitioner. However, no decision has been taken thereon till date.

In the considered opinion of this Court, the authorities need to apply their mind and need to deal with the plea raised by the petitioner with respect to unleashing of his defence in the criminal trial as there are common witnesses.

Learned counsel for the State submits that in case the petitioner submits representation before respondent No.2-The Commissioner of Police, Ludhiana, the authority shall consider the same and pass an appropriate order within a period of two weeks from the date of receipt of certified copy of this order.

In the fitness of things, respondent No.2 is directed to consider the writ petition filed by the petitioner as representation and take a decision thereon within the time period as prayed for by the learned State counsel.

The writ petition stands disposed off.

(PANKAJ JAIN)
JUDGE

April 18, 2023

archana

Whether speaking/reasoned

Yes

Whether Reportable :

No