

2023:PHHC:051631

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

CWP-7359-2023 (O&M)

Date of decision: 13.04.2023

Sukhjinder Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Mayank Mathur, Advocate for the petitioner

Mr.Vishnav Gandhi, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for the stay of regular departmental proceedings on account of the pendency of a criminal case arising from the FIR No.3, dated 01.05.2019 registered under Section 377, 388, 389, 109, 115, 116 & 120-B of IPC at Police Station, SSOC, Mohali. It is the case of the petitioner that on the same set of allegations, the petitioner is facing prosecution in the aforesaid FIR. The trial of the case is at the stage of prosecution evidence and the petitioner does not wish to disclose his defence in the departmental proceedings unless all the prosecution witnesses have been examined.

2. Previously also, the petitioner filed a writ petition, which was disposed of after directing him to file an application before the disciplinary authority. The petitioner has filed an application but the same has not been decided.

3. When the case was taken up in the pre-lunch session, the

learned State counsel was requested to take instructions from the disciplinary authority. In the post-lunch session, the learned State counsel, on instructions from Smt. Ravneet Kaur, Special Chief Secretary, Jails, Punjab, has informed the Court that the disciplinary authority requires atleast six weeks' time.

4. Once the disciplinary authority has nominated an inquiry officer to inquire into the charges, if any application is filed, particularly for staying the inquiry proceedings, the disciplinary authority is expected to make a decision promptly. The trial of the criminal case is stated to be pending for 25.04.2023.

5. Keeping in view the aforesaid facts, the writ petition is disposed of by directing the disciplinary authority to take an interim or final decision in the application filed by the petitioner well before 25.04.2023.

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

13.04.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE