

CWP-10235-2022 (O&M) and all connected cases. -1-
2023:PHHC:140956

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CWP-10235-2022 (O&M)
Date of Decision:06.11.2023

PARAMJIT SINGH Petitioner

Versus

STATE OF PUNJAB AND OTHERS Respondent

2) CWP-10204-2022 (O&M)

SATWINDER SINGHPetitioner

Versus

STATE OF PUNJAB AND OTHERSRespondents

3) CWP-10177-2022 (O&M)

SAROOP SINGHPetitioner

Versus

STATE OF PUNJAB AND OTHERSRespondents

4) CWP-10313-2022 (O&M)

RACHPAL SINGHPetitioner

Versus

STATE OF PUNJAB AND OTHERSRespondents

5) CWP-10469-2022 (O&M)

SUNIL KUMARPetitioner

Versus

STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Amandeep Singh Jawandha, Advocate
for the petitioner (s).

Mr. Inderpreet Singh Kang, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. By this common order a bunch of petitions is disposed of since issue involved in all the petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-10235 of 2022.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 15.03.2021 (Annexure P-7) whereby petitioner was dismissed from service and order dated 20.09.2021 (Annexure P-10) whereby appeal of the petitioner has been dismissed.

3. The petitioner was found guilty in the departmental enquiry and he was dismissed from service. The petitioner preferred an appeal before Appellate Authority which came to be dismissed. As per Rule 16.3 of Punjab Police Rules, 1934, if an officer has been tried and acquitted by criminal Court he shall not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case, whether actually led or not. Rule 16.3 of Punjab Police Rules reads as:

“16.3. Action following on a judicial acquittal. -

(1) When a Police Officer has been tried and acquitted by a criminal court he shall be not be punished departmentally on the same charge or on a different

charge upon the evidence cited in the criminal case, whether actually led or not, unless -

(a) the criminal charge has failed on technical grounds; or

(b) in the opinion of the Court or of the Superintendent of Police, the prosecution witnesses have been won over; or

(c) the Court has held in its judgment that an offence was actually committed and that suspicion rests upon the police officer concerned; or

(d) the evidence cited in the criminal case discloses facts unconnected with the charge before the court which justify departmental proceedings on a different charge; or

(e) additional evidence admissible under rule 16.25(1) in departmental proceedings is available.

(2) Departmental proceedings admissible under sub-rule (1) may be instituted against Lower Subordinates by the order of the Superintendent of Police but may be taken against Upper Subordinates only with the sanction of Deputy Inspector-General of Police, and a police officer against whom such action is admissible shall not be deemed to have been honorably acquitted for the purpose of rule 7.3 of the Civil Services Rules (Punjab), Volume I, Part I.”

4. The petitioner has remedy to file revision as well as mercy petition before higher authorities. The criminal proceedings are pending against the petitioner.

5. In view of Rule 16.3 of Punjab Police Rules, the status of the petitioner needs to be determined on receipt of outcome of the criminal proceedings.

6. Learned State counsel submits that petitioner has approached this Court without waiting outcome of criminal trial and he has remedy to file review as well as mercy petition after disposal of criminal trial.
7. Faced with this, learned counsel for the petitioner seeks permission to withdraw the present petitions with liberty to approach higher authorities on the conclusion of criminal trial.
8. Disposed of with aforesaid liberty.
9. Pending misc. application(s), if any shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.11.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>