

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

CWP-26841-2017

Date of decision : 17.01.2023

Bhagwant Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Sonia G. Singh, Advocate
for the petitioner.

Mr. Sehajbir S. Aulakh, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Petitioner has invoked jurisdiction of this Court by way of present petition filed under Article 226 of the Constitution of India praying for issuance of a writ in the nature of certiorari seeking quashing of the impugned order dated 22.10.2011 (Annexure P-3).

2. Petitioner alongwith HC Dev Raj was booked in FIR No.290 dated 15.12.2009 registered for the offences punishable under Sections 223/224/225 of IPC at Police Station Division No.7, Ludhiana on the allegations that he facilitated escape of accused which he was required to take to the Courts and bring back in their custody. Apart from the criminal proceedings, departmental proceedings were also initiated against the petitioner for misconduct. After regular enquiry, petitioner was found guilty of the allegations levelled. He was awarded punishment of forfeiture of seven years vide order dated 07.10.2010.

3. Appeal preferred by the petitioner before the Deputy Inspector General of Police, Patiala Range, Patiala was also dismissed vide impugned order dated 27.12.2010. The revision preferred against the same was partly

allowed vide order dated 22.10.2011, wherein Inspector General Police, Zonal-I, Patiala reduced the punishment of the petitioner from forfeiture of seven years permanent service to forfeiture of two years of service permanently.

4. Counsel for the petitioner placing relies upon Rule 18.42 of Punjab Police Rules to contend that it was the responsibility of the dispatching officer to make arrangements for proper and sufficient escort and thus the petitioner cannot be held guilty and cannot be punished merely for the negligence.

5. Per contra, State counsel submits that the arrangements were made by the competent officer and it was only with the intent of arranging safe custody that the petitioner was assigned duty on which he was found to be deficient and negligent. State counsel thus submits that imposition of forfeiture of two years of service of the petitioner has been awarded taking sympathetic view.

6. I have heard counsel for the parties and have gone through the records of the case.

7. Counsel for the petitioner is not in a position to dispute the fact that in writ petition preferred by his co-accused/similarly situated HC Dev Raj in CWP-17151-2017, this Court has already upheld the impugned orders qua Dev Raj vide judgment dated 15.01.2020. Apart therefrom, counsel for the petitioner has not been able to point out any infirmity in procedure followed by the petitioner which would warrant interference in the present writ petition. The authorities have considered the case of the petitioner and after application of mind, has reduced the punishment of forfeiture of two years.

8. Resultantly, no ground is made out which would warrant interference in the impugned order 22.10.2011 (Annexure P-3).

9. Consequently, the present writ petition is dismissed.

(PANKAJ JAIN)
JUDGE

17.01.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No