

252

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**CWP-22653-2020 (O&M)
Date of decision: 14.11.2023

Surender Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amandeep Rana, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana, for the respondents.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance a writ, order or direction restraining the respondents from continuing with the departmental enquiry during the pendency of the criminal trial in case FIR No.01 dated 08.09.2020 (Annexure P-1) under Section 7 of the Prevention of Corruption Act, 1947 registered at State Vigilance Bureau, District Gurugram against the petitioner.

2. Learned counsel for the petitioner has pointed out that vide order dated 06.08.2021, a Coordinate Bench of this Court was pleased to grant stay till the next date of hearing from examining the common witnesses in the departmental enquiry.

3. Learned State Counsel has filed an affidavit of Sanjay Kumar, IPS, Inspector General of Police, Administration, Police Headquarters,

Panchkula dated 09.11.2023 today in the Court which is taken on record and in para 5 of the same, it has been stated that out of 17 prosecution witnesses in the criminal trial, 15 PWs including common witnesses have already been examined. In para 7 of the same, it has further been pointed out that as far as Inspector Ajit Singh is concerned, the said Ajit Singh was/is also common witness in the departmental enquiry and the said Ajit Singh has already been examined in the departmental proceedings on 24.03.2021 i.e., prior to the stay granted by the Coordinate Bench of this Court on 06.08.2021 and thus, the present writ petition has been rendered infructuous.

4. Learned counsel for the petitioner has not been able to rebut the abovesaid aspect and has submitted that in view of the same, the present writ petition may kindly be disposed of as having been rendered infructuous but liberty be granted to the petitioner to raise all the pleas as are available to him during the course of departmental proceedings.

5. In view of the above, the present Civil Writ Petition is disposed of as having been rendered infructuous.

6. Liberty is however granted to the petitioner to raise all the pleas as are available to him during the course of departmental proceedings.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

14.11.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No