

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(109)

CWP-22816-2023

Date of decision: - 10.10.2023

Manoj Kumar

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Mohit Rathee, Advocate,
for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana
for the respondents.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of appropriate writ, order or direction especially in the nature of mandamus directing the respondents especially respondent No.4 not to take any further action/proceedings on departmental proceedings/enquiry before respondent No.4 till the pendency of the criminal proceedings/FIR No.03 dated 26.01.2023, registered at Police Station SVB Rohtak, District State Vigilance Bureau, Haryana.
2. Learned counsel for the petitioner has submitted that the petitioner is limiting his prayer in the present case to the effect that till the time the petitioner is in custody in the above-said FIR No.03 dated

26.01.2023, the departmental proceedings should not continue in his absence as he would not be able to defend himself.

3. Learned State counsel has submitted that till the time the petitioner is not released on bail, the departmental proceedings shall remain suspended, subject to the clarification that when the petitioner is released on bail the departmental proceedings will resume. It is further submitted that in case the proceedings are unduly delayed, the liberty be granted to the State to move an appropriate application in the present petition.

4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with a direction to the respondent authorities to not proceed with the departmental proceedings till the time the petitioner is granted bail.

5. It is clarified that as and when the petitioner is released on bail, the departmental proceedings shall resume. Liberty is granted to the State to move an application for modification of the present order in case the proceedings are unduly delayed.

October 10, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No