

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

CWP-182-2023

Date of Decision: January 09, 2023

TEJINDER KUMAR

....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Geeta Singwal, Advocate with
Mr. G.P.S. Bal, Advocate &
Ms. Gurpreet Kaur, Advocate
for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

PANKAJ JAIN, J.(ORAL)

Present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of the writ in the nature of certiorari quashing the order dated 12.10.2020 Annexure P-7.

Learned counsel for the petitioner has heavily relied upon criminal proceedings in the Court placed at Annexure P-2 which is a statement of Jaswinder Singh Walia-complainant to contend that once the APP for State has requested that the witness was suppressing truth and be declared hostile. There is nothing that could implicate the petitioner and, thus, petitioner was entitled to be reinstated in terms of the orders passed vis-a-vis similarly situated persons which have been place on record as Annexure P-11 collectively.

Mr. Inderpreet Singh Kang, AAG, Punjab, appears on advance notice and submits that the trial is still pending for consideration and, thus, the present relief being sought by the petitioner is purely peremptory in

nature cannot be entertained that too while exercising jurisdiction under Article 226 of the Constitution of India.

I have heard learned counsel for the parties and have gone through the record of the case. Admittedly, the criminal proceedings initiated against the petitioner have not yet attained finality. It is only that the complainant who in the opinion of APP tried to suppress the material facts was declared hostile on request made by the prosecution.

In the considered opinion of this Court, the petitioner is facing grave allegations and is being prosecuted for offence punishable under Section 7 of the Prevention of Corruption Act. Thus, to submit merely for the reasons that the complainant turned hostile, the present proceedings initiated by the department should be re-looked and the petitioner deserves reinstatement is fallacious and cannot be accepted. Further reliance on the orders placed on record as Annexure P-11 also does not entitle the petitioner for any parity as the provision contained in the Article 14 of the Constitution of India has not been couched in the negative terms.

In view of the aforesaid, no ground to interfere is made out and the same is dismissed. It is, however clarified that nothing observed herein shall be considered as an expression on the merits of the case.

(PANKAJ JAIN)
JUDGE

09.01.2023

Sangeeta

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No