

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-1099-2024
Date of Decision: 19.01.2024

SI Dilbagh Singh ...Petitioner

Versus

State of Punjab and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. G.S. Bal, Senior Advocate with
Mr. Laxman Choudhary, Advocate for the petitioner
Mr. Inderpreet Singh Kang, AAG, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents not to compel him to lead his evidence in departmental proceedings till the conclusion of trial.
2. The petitioner is working with respondent-department as Sub-Inspector. The petitioner has been implicated in FIR No.24 dated 01.08.2023 under Section 7 of Prevention of Corruption Act, 1988, registered at Police Station, Vigilance Bureau, Range Amritsar. The matter is under investigation and till date trial has not commenced. The petitioner has already been served charge sheet in departmental proceedings and he has been asked to lead his defence evidence.
3. Mr. G.S. Bal, Senior Advocate submits that if the petitioner leads his defence in departmental proceedings, it would adversely affect his defence in the criminal trial because there are all possibilities that Investigating Officer

may file his report considering defence of the petitioner. The foundation of departmental proceeding is aforesaid FIR.

4. Mr. Inderpreet Singh Kang, AAG, Punjab, who on advance notice is present in Court on behalf of the respondents, assures the Court that Inquiry Officer would not compel the petitioner to lead his defence evidence till the filing of police report under Section 173 Cr.P.C. in the aforesaid FIR.

5. In the wake of submissions of the petitioner as well as statement of learned State counsel, this Court deems it appropriate to direct the respondents not to compel the petitioner to lead his defence evidence in departmental proceedings till the filing of police report under Section 173 Cr.P.C. In view of peculiar facts of the case, this Court believes that Investigating Officer would complete his investigation expeditiously.

Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

19.01.2024
Mohit Kumar

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