

CWP-1747-2024

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

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CWP-1747-2024

Date of Decision: 29.01.2024

Bikkar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ishan Gupta, Advocate and
Ms. Palvi, 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 to keep the regular departmental enquiry proceedings initiated against the petitioner in pursuance of charge sheet dated 01.11.2023 (Annexure P-2), in abeyance till the conclusion of trial arising out of FIR No.38 dated 27.10.2023 (Annexure P-1) under Section 7 of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018, registered at Police Station Vigilance Bureau, District Patiala.

2. Learned counsel for the petitioner submits that police till date, has neither completed its investigation nor filed its report under Section 173 Cr.P.C against the petitioner, whereas, respondent has concluded departmental inquiry and further issued memorandum of charges. The petitioner has been asked to lead his defence evidence. If the petitioner

discloses his evidence, the respondent may use the said defence in the trial especially when till date *challan* has not been filed. The respondent may be directed not to proceed with departmental proceedings till the filing of *challan* and examination of Investigating Officer.

3. Learned State counsel expressed his inability to controvert prayer of the petitioner and conceded that till date *challan* has not been presented.

4. The petitioner is praying for stay of departmental proceedings till the filing of police report and examination of common witnesses. This Court, especially considering pith and substance of Rule 16.3 of Punjab Police Rules and inability of learned State counsel to controvert prayer of the petitioner, directs the respondents to keep departmental proceedings in abeyance till the date of filing of *challan* and examination of investigating officer before the Trial Court.

5. It is made clear that as soon as investigating officer is examined before the Trial Court, the respondent would be free to proceed with departmental proceedings and the petitioner shall not seek adjournment or time on one or another ground.

6. Disposed of in above terms.

29.01.2024
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *No*