

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5946-2024 (O&M)

Reserved on 10.04.2024

Pronounced on 09.07.2024

Jagjeet Singh

... Petitioner

VS.

CBI & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Nitin Sharma, Advocate for the petitioner

Mr. Sajan, Advocate for
Mr. Gagandeep Singh Wasu, Advocate for CBI

Mr. Amit Jhanji, Sr.Advocate with
Mr. Manish Bansal, Public Prosecutor,
Mr. Navjit Singh, Advocate and Mr. Rajeev Anand, APP,
For UT Chandigarh

Sandeep Moudgil, J.

(1). This is a petition under Section 482 Cr.P.C. seeking a direction to respondent No.1 for fair and proper inquiry/investigation in the complaint given by the petitioner and further to register an FIR against respondents No.6 to 10.

(2). The petitioner is working as Head Constable in Chandigarh Police since 2000 and is posted at Police Station Cyber Crime, Chandigarh. He is said to have done post-graduation in Police Administration and also pursued Ph.D. on the research work titled as 'Police-Politician-Criminal Nexus'. The petitioner, through some reliable sources had information regarding on-going corruption/embezzlement in the Chandigarh Police in the name of purchasing/hiring of goods/services and respondent No.6, namely, Manoj

Kumar, IPS along with respondents No.7 to 10 were involved in the bungling of funds of Rs.10 crores and destruction of evidence etc.

(3). Learned counsel for the petitioner submits that the petitioner has strong evidences and the leakage of any such secret information/evidence would be detrimental to his life and service of reliable sources. He urged that there is no scope of fair investigation from any of the official concerning that specific department as it is a case of corruption on their behalf themselves.

(4). It is further argued that the petitioner made several complaints including evidences/proofs before the higher authorities including to the Chief Vigilance Officer on 19.09.2022 (Annexure P6) requesting to send a team of vigilance under the supervision of an IAS Officer to immediately seize/preserve documents but no action has been taken thereupon. He then asserted that on the instructions of respondents No.6 to 10, the departmental authorities have issued show cause notice dated 07.03.2024 under Rule 9.18 of Punjab Police Rules against the petitioner (Annexure P38) to which he replied on 10.03.2024 (Annexure P46).

(5). On the other hand, learned counsel for respondents No.3&4 have filed status report dated 26.02.2024 wherein it has been averred that the petitioner is facing departmental proceedings for various acts of misconduct and as such, even the Advisor to the Administrator, UT Chandigarh has opined that such police officials are unsuitable for a uniform service like Chandigarh Police. It is further highlighted that even the Chief Information Commissioner, after noticing the fact that the petitioner has been involved in filing multiple frivolous applications/complaints with an intention to harass public authority

thereby wasting the time of the Commission, has decided not to entertain any application from the petitioner on the same subject.

(6). Mr. Amit Jhanji, learned Senior Standing Counsel, UT Chandigarh exhorted that the act of insubordination on the part of the petitioner is writ large as he blatantly dishonoured the orders of the superior officers not once but on many occasions: firstly, he refused to execute summons issued by JMIC, Chandigarh at Agra on the pretext that there is threat to his life and secondly, when he along with 14 other police officials were detailed to perform Lok Sabha Elections, 2019 in Uttar Pradesh along with IRB of Chandigarh Police, he proceeded on medical leave and in relation thereto, departmental enquiry was also initiated against him for dereliction of duty and misconduct.

(7). Attention of this Court has also been drawn by learned Senior Standing Counsel to the fact that the petitioner blatantly violated Standing Order 77 of 2015 by flaring up inconsequential incident before media by giving his version for which he was not authorized, due to which, a punishment of stoppage of two increments without cumulative effect was imposed on him vide order dated 03.04.2023. Likewise, the petitioner was also awarded 'censure' for leveling false allegations vide order dated 22.05.2023.

(8). The petitioner has filed rebuttal to the status report filed by the official respondents wherein it has been stated that the respondents have never called him as complainant or any other independent witness to establish the same. Moreover, the complaints filed by the petitioner were mechanically filed by the respondents without following due procedure. He further laid stress to the fact that he filed complaint before CBI against respondents No.6 to 10 but the same was forwarded to Advisor to the Administrator, UT Chandigarh and is

lying in cold storage. It is then asserted that the petitioner has very outstanding and clean service record but since he acted as whistle blower to the misdeeds of the respondents No.6 to 10, he was victimized and efforts are being made to destroy his career.

(9). This Court vide order dated 06.03.2024 noticed that since no explanation to the court's query regarding the stage of investigation was made albeit much stress was laid on the (mis)conduct of the petitioner, this Court directed the respondents to place on record the ACRs of the petitioner of last 10 years along with stage wise details of the investigation.

(10). In the meanwhile, CRM-11305-2024 was filed by the petitioner seeking a direction to the respondents not to take any adverse action against him whereby he is apprehending that in pursuance to the show cause notice dated 07.03.2024 (Annexure P38), the respondents may compulsorily retire him.

(11). On 11.03.2024, this Court, while staying further proceedings on the show cause notice dated 07.03.2024 (Annexure P38) passed the following order:-

"The applicant/petitioner is apprehending compulsory retirement in furtherance of said show cause notice, as argued today wherein the main petition is listed for 21.03.2024.

This Court vide order dated 06.03.2024 has called upon the State to furnish Annual Confidential Reports of the applicant/petitioner for the last 10 years keeping in view the factual aspects involved in the instant petition, who is seeking proper investigation in the complaint submitted by him to respondent No.1-Central Bureau of Investigation and demanding registration of FIR against certain senior police officials of the Department arrayed as respondents No.6 to 10.

Issuance of show cause notice at this stage is not inspiring confidence of this Court and seems mala fide on the part of respondents, who are fully

aware of the fact that matter is sub-judiced before this Court which has summoned the service record in the form of ACRs of the applicant/petitioner and probably to set their official record against the present applicant-petitioner, show cause notice dated 07.03.2024 (Annexure P-38) has been contemplated.

Further proceedings in the show cause notice dated 07.03.2024 (Annexure P-38) shall be kept in abeyance till the next date of hearing i.e. 21.03.2024.”

(12). Heard learned counsel for the parties and gone through the paper-book.

(13). It is not in dispute that the service career of the petitioner has been reveled in number of complaints and departmental proceedings initiated by the police department against him for his various acts of misconduct. So much so, on the representation/complaint submitted by the petitioner against the Police Officers, the Advisor to the Administrator, UT, after considering the past conduct of the petitioner, remarked that the “such officials (the petitioner) are unsuitable for a uniform service like Chandigarh Police”.

(14). That apart, the petitioner had been cantankerously submitting complaints/representations against his superior officers before one or the other administrative or quasi-judicial forums including the Chief Information Commissioner, who too, observed that the petitioner is in the habit of misusing the RTI law, as a weapon for extracting revenge by making frivolous multiple complaints just to harass the public authority with the ulterior motive to create undue coercion over the entire system and to use it to cover his own wrongs as a public officer. Considering over such attitude of the petitioner, the CIC even decided not to entertain any application from the petitioner.

(15). The insubordination of the petitioner started from the year 2019 when he was detailed for election duty in UP and he, instead of reporting for duty, submitted medical leave which resulted into initiation of departmental proceedings. It is out of this action of the departments the petitioner started to target all the officers in fake claims. In another instance, the petitioner refused to execute the non-bailable warrants in case of FIR No.33 dated 03.09.2022 at Agra and instead got published a news item in Indian Express highlighting that there is threat to his life.

(16). Admittedly, the petitioner was tried in a regular departmental enquiry in January, 2020 prior to his sprouting up a self-made 'whistle blower' and by this very reason, the petitioner has been after his superior officers with various allegations in his basket. So much so, the petitioner was even awarded punishment of stoppage of two increments without cumulative effective vide order dated 03.04.2023 (he has concealed such punishments in his present petition). He was even awarded censure vide order dated 22.05.2023 for filing a false/baseless complaint against the senior officers alleging threat to his life wherein he could not substantiate his claim by way of any evidence.

(17). In the status report dated 19.03.2024 also, the respondents No.3&4 have submitted stage-wise details of the investigation wherein the complaints filed by the petitioner before various authorities and the action taken thereupon have been detailed in a tabulated form. A perusal of the said tabulated report would show that complaints filed by the petitioner were duly enquired by giving opportunity to the petitioner in such enquiry, however, to corroborate and substantiate his allegations, no material/documents/information

was ever produced and it was thus concluded that none of the allegations raised by the petitioner have been corroborated.

(18). The petitioner being a member of the uniformed force and bound by disciplinary code is not expected to act in such a manner which amount to misconduct/unbecoming conduct of the police force and being as such, the respondents cannot be said to be wrong in proceeding against the petitioner under Rules 14.7 and 14.8 of the Punjab Police Rules which provide that a police officer shall not record comments on the remarks made by the superior officer and a subordinate officer making such unsubstantiated complaints against the superior officer shall be dealt with severely.

(19). This Court thus reserves its views on the proceedings initiated against the petitioner who has been acting against his superior officers and the department as a whole since this petition has been filed by him seeking a direction for investigation in the alleged corrupt and malpractices by his superior officers.

(20). In the light of the above discussion and the material placed before this Court including the conduct of the petitioner who is facing multiple departmental enquiries himself apart from concealment of punishment awarded to him, before this Court, qua the department punishments awarded to him from time to time, the petitioner lacks *bona fide* and *locus standi* even to prefer the instant petition. Moreover, this Court will not exercise its extraordinary jurisdiction to sit as a court of evidence to conduct trial on the disputed question of facts. Hence there is not merit in the petition and as such the same deserves to be rejected outrightly being completely based on presumptions and assumptions and without any incriminating material. Such practice to file

frivolous and mischievous petitions in the form of ‘public interest’ needs to be dealt with iron hand.

(21). Accordingly, this petition is dismissed, with cost of Rs.25,000/- which shall be deposited by the petitioner in the Punjab and Haryana High Court Employees’ Association Fund within 10 days from the date of receipt of certified copy of this order and the compliance report along with deposit receipt be placed before this Court on 20.07.2024.

(22). Ordered accordingly.

09.07.2024

V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No