

121

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3901-2024

Date of Decision:21.02.2024

HARMEET SINGH AND ANOTHER

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. J.S. Thakur, Advocate for
Mr. Monty Goyal, Advocate
for the petitioners.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1.
- The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to the respondents to keep the regular departmental enquiry proceedings initiated against the petitioners in pursuance of charge sheet dated 23.01.2024 (Annexure P-2), in abeyance till the conclusion of trial arising out of FIR No.0106 dated 06.10.2023 (Annexure P-1) under Sections 354-A, 166A, 294, 506 and 34 of IPC, 1860 registered at Police Station Payal, Police District Khanna, District Ludhiana.
2.
- Learned counsel for the petitioners submits that police till date has not completed its investigation and consequently filed report under Section 173 Cr.P.C against the petitioners, whereas, respondent has concluded departmental enquiry and further issued charge sheet. The petitioners have been asked to lead their defence evidence. If the

petitioners disclose their 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 petitioners are 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 petitioners, 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 petitioners shall not seek adjournment or time on one or another ground.

6. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

21.02.2024
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>