

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-5318-2024
Date of Decision: 06.03.2024

Ankit Kumar ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ishan Gupta, Advocate and
Ms. Harita Panthey, Advocate for the petitioner
Mr. Aman Dhir, Deputy Advocate General, 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 pursuance of charge sheet dated 21.12.2023 (Annexure P-2) as well as office order dated 15.02.2024 (Annexure P-5), in abeyance till the conclusion of trial arising out of FIR No.469 dated 04.10.2023 (Annexure P-1) under Sections 7, 13(2) of Prevention of Corruption Act, 1988 as amended by Prevention of Corruption (Amendment) Act, 2018, registered at Police Station Division No.7, Police Commissionerate, Ludhiana.
2. Learned counsel for the petitioner submits that police till date has neither completed its investigation nor has filed its report under Section 173 Cr.P.C against the petitioner, whereas, respondent has concluded departmental inquiry and further issued draft charge sheet and appointed respondent No.3 as

Inquiry Officer. 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 challan, till date 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, however, he 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 common witnesses before the Trial Court.

5. It is made clear that as soon as common witnesses are 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.

(JAGMOHAN BANSAL)
JUDGE

06.03.2024
Mohit Kumar

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