

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.6852 of 2022
Date of Decision: 29.04.2024

Samunder Singh
..... Petitioner

Versus

State of Haryana and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Rajwant Singh Chahal, Advocate
for the petitioner.

Ms. Upasna Dhawan, AAG, Haryana.

Mr. Simranpreet Singh, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (ORAL)

1. Present writ petition has been filed for quashing the order dated 16.03.2022 (Annexure P-8) passed by respondent No.2. Further prayer has been made for staying the operation of impugned order dated 16.03.2022 (Annexure P-8) passed by respondent No.2 during the pendency of the present petition.
2. Precise submission made by learned senior counsel for the petitioner is that the petitioner was elected as Sarpanch of the village and thereafter on completion of his tenure, he demitted the office in 2021. He submits that soon after his demitting the office clandestinely the complaints were made against him and an *ex parte* inquiry was

conducted against him. He submits that the petitioner was never associated with the inquiry and thereafter he was served with the notice dated 21.02.2022 to which the petitioner filed application dated 02.03.2022 wherein the petitioner prayed for providing him record for filing the reply. However on completing the *ex parte* inquiry, he was issued with the impugned show cause notice dated 16.03.2022 wherein a direction was also given to register the FIR against the petitioner without any delay. He has submitted that the relevant record was not provided to the petitioner for filing reply but surprisingly direction has been given for registration of the FIR.

3. Learned State counsel on the other hand refutes the submissions made by learned senior counsel for the petitioner and submits that it was a fact finding inquiry after which the petitioner was given the notice earlier. She submits that the petitioner was given liberty to inspect the relevant record for filing the reply in response to the notice issued.

4. Heard.

5. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner, who was elected as Sarpanch of the village had already demitted the office and the inquiry was initiated after his demitting the office. As apparent from the record that the petitioner was served the show cause notice for filing the reply. The petitioner duly prayed for providing him the relevant record for filing reply however the record was not provided whereas the show cause notice dated 16.03.2022 was issued. It is apparent that though the

petitioner was given liberty to inspect the record but simultaneously a direction was also given for registration of the FIR without any delay.

6. The Court finds this direction totally unsustainable at this stage and the petitioner has every right to file his reply after inspecting the record.

7. At this stage, no such finding can be given that the petitioner is guilty or not. On consideration of the above facts, the respondent authorities are directed to provide the relevant record to the petitioner enabling him to file reply to the show cause notice. However, the petitioner would be granted personal hearing as well before arriving at any decision in the inquiry. Till then, direction regarding registration of the FIR would remain stayed.

8. Respondent No.2 i.e. Deputy Commissioner, Rohtak would conclude the proceedings on receiving the reply and after giving personal hearing to the petitioner expeditiously in accordance with law.

9. Present petition is disposed of in the above mentioned terms.

(RAJESH BHARDWAJ)
JUDGE

29.04.2024
rittu

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