

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

132

CWP-5994-2024
Date of Decision: 14.03.2024

Joginder Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Amandeep Singh Manaise, 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 departmental proceedings, initiated against him in pursuance of charge sheet (Annexure P-2) in abeyance till the conclusion of trial arising out of FIR No.13 dated 16.02.2023 (Annexure P-1) under Sections 13(2), 7 of Prevention of Corruption Act, 1988 registered at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur.
2. Learned counsel for the petitioner submits that trial against the petitioner till date has not been concluded 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. The respondent

may be directed not to proceed with departmental proceedings till the examination of Investigating Officer/Common Witnesses.

3. Learned State counsel expressed his inability to controvert prayer of the petitioner.

4. The petitioner is praying for stay of departmental proceedings till the 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 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

14.03.2024
Mohit Kumar

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