

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

206

Civil Writ Petition No.8859 of 2021 (O & M)

Date of decision :-25.01.2024

Surinder Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. S.S. Dinarpur, Advocate with
Mr. Lalit rishi, Advocate and
Mr. Rohit Singh, Advocate
for the petitioner.

Mr. Deepak Balyan, Addl. A.G. Haryana.

Mr. Sandeep Sharma, Advocate with
Mr. Rohit Johar, Advocate and
Mr. Rohan Moudgil, Advocate
for respondents No.2 and 3.

Mr. Akhil Sharma, Advocate for
Mr. Ramnish Puri, Advocate
for respondent No.8.

RITU BAHRI ACJ. (Oral)

On 23.4.2021, when notice of motion was issued, it was observed that as per the recommendation made by the Economic Wing, Ambala dated 02.8.2018 (Annexure P-5), the petitioner, who was working as ASI had registered the FIR (Annexure P-5/A) dated 08.8.2018.

After issuing notice of motion, reply dated 16.12.2021/20.12.2021 by way of affidavit of Ram Kumar, HPS, Deputy Superintendent of Police, Ambala Cantt., District Ambala was

filed by the State of Haryana on behalf of respondents No.1, 4 to 7. In paragraph 6 of the reply, it is stated that during the inquiry proceedings conducted by the Economic Cell, Ambala, the petitioner, ASI Surinder Kumar was not posted in Economic Cell, Ambala rather he was posted in Police Station Baldev Nagar, Ambala. In compliance of the orders of the Superintendent of Police, Ambala, ASI Surinder Kumar (petitioner) lodged the present case under Sections 406/420 IPC and thereafter the investigation was conducted by him. It is stated that there is no role of the petitioner in the recommendation made by the Economic Cell, Ambala in registering the FIR (Annexure P-5/A).

Keeping in view this fact stated in para 6 of the said reply, the present writ petition is **allowed** and the impugned order dated 24.2.2021 (Annexure P-16) qua the role attributed to the petitioner and the recovery is hereby set aside.

(RITU BAHRI)
ACTING CHIEF JUSTICE

January 25, 2024
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No