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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15760-1997
Date of Decision:22.05.2024

KARNAIL SINGH Petitioner

Versus

STATE OF PUNJAB ETC. Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. G.S. Bal, Sr. Advocate with
Mr. Dilshad S. Gill, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 04.10.1997 (Annexure P-12) whereby he was reverted from the rank of Inspector (Ad hoc) to Constable.
2. The petitioner on 04.11.1988 joined Punjab Police as Constable. On the basis of his performance on anti-terrorism front, he was placed in C-II list in December' 1991 and granted out of turn promotion to the rank of Head Constable w.e.f. 13.03.1992. He was further out of turn promoted to the rank of ASI (ORP). He was further promoted to the rank of Inspector on ad hoc basis. The said promotion was made w.e.f. 08.08.1996. He, on account of registration of FIR No.107 dated 26.09.1997 under Sections 379 and 411 of IPC and thereafter arrested, was reverted to his regular rank of Constable w.e.f.

26.09.1997. He was embroiled in another FIR No.112 dated 01.10.1997 under Section 506 of IPC.

3. Mr. G.S. Bal, Sr. Advocate submits that petitioner was acquitted vide judgment dated 13.08.2002 passed by Trial Court in FIR No.107 dated 26.09.1997 and vide judgment dated 28.03.2007 passed by Trial Court in FIR No.112 dated 01.10.1997. He was reverted on the sole ground that he has been implicated and arrested in FIR No.107 dated 26.09.1997. He was implicated in FIR due to mis-understanding of respondent No.4-SSP, Fatehgarh Sahib. He at present is posted as Sub-Inspector (Local Rank).

4. On being confronted with aforesaid facts especially to the fact that petitioner was reverted on account of his arrest and has already been acquitted in both FIRs, Mr. Aman Dhir, DAG, Punjab agrees that matter needs to be re-considered at the level of jurisdictional Inspector General.

5. In the wake of aforesaid facts and statement of learned State counsel, I find it appropriate that the matter needs to be re-considered at the level of jurisdictional Inspector General.

It would be appropriate on the part of jurisdictional Inspector General to hear the petitioner before passing any order.

6. Let the needful be done within 6 months from today.

7. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

22.05.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No