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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7908-2024
Date of decision: 08.04.2024

Satish Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajesh Goyal, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing the memo dated 23.03.2024 (Annexure P-2) (although wrongly mentioned as Annexure P-3 in the writ petition), vide which, departmental proceedings have been initiated against the petitioner while the petitioner is in custody in FIR No.20 dated 12.01.2024 registered under Sections 120-B, 166, 166A, 202, 217, 218, 389, 506 of IPC and under Sections 7, 8, 13 of the Prevention of Corruption Act, at Police Station Chandni Bagh, Panipat.
2. Learned counsel for the petitioner has submitted that the petitioner is in custody in FIR No.20 dated 12.01.2024 registered under Sections 120-B, 166, 166A, 202, 217, 218, 389, 506 of IPC and under Sections 7, 8, 13 of the Prevention of Corruption Act, at Police Station Chandni Bagh, Panipat and has made a limited prayer in the present writ

petition to the effect that till the petitioner is not released on bail in the above said case, the departmental proceedings should remain suspended. Learned counsel for the petitioner has relied upon the order dated 30.10.2023 passed by this Court in similar circumstances in CWP-24232-2023 titled as “Angrej Singh and another vs. State of Haryana and others”.

3. Keeping in view the above said facts and circumstances, the present writ petition is disposed of with a direction to the respondent authority not to proceed with the departmental proceedings initiated vide Annexure P-2 (although wrongly mentioned as Annexure P-3 in the writ petition) till the time the petitioner is not released on bail in FIR No.20 dated 12.01.2024 registered under Sections 120-B, 166, 166A, 202, 217, 218, 389, 506 of IPC and under Sections 7, 8, 13 of the Prevention of Corruption Act, at Police Station Chandni Bagh, Panipat.

4. It is clarified that as and when the petitioner is released on bail in FIR No.20 dated 12.01.2024 registered under Sections 120-B, 166, 166A, 202, 217, 218, 389, 506 of IPC and under Sections 7, 8, 13 of the Prevention of Corruption Act, at Police Station Chandni Bagh, Panipat, the departmental proceedings shall resume. Liberty is granted to the State to move an application for modification of the present order in case the departmental proceedings are being unduly delayed.

08.04.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No