

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CWP-10049-2024
Date of Decision : 03.05.2024

NARINDER SINGH ASI ... PETITIONER

Versus

STATE OF PUNJAB AND ORS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Chetan Bansal, 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 direction to the respondents not to proceed with the departmental enquiry in view of pendency of criminal proceedings arising out of FIR No.22 dated 27.10.2022 under Section 7 of Prevention of Corruption Act, 1988, registered at Police Station, Vigilance Bureau, District Amritsar.
2. The petitioner joined respondent-department as Constable and he was promoted as ASI on 27.09.2016. He has been implicated in aforesaid FIR and the *challan* has already been presented. The departmental proceedings have already been initiated against him and he has been asked to lead his defence evidence.
3. Mr.Chetan Bansal, Advocate submits that if the petitioner leads his defence in departmental proceedings, it would adversely affect his defence in the criminal trial as the criminal proceedings are still at initial stage. The foundation of departmental proceeding is aforesaid FIR.

4. Mr. Aman Dhir, DAG, Punjab, who on advance notice is present in Court on behalf of the respondents, assures the Court that Enquiry Officer would not compel the petitioner to lead his defence evidence till the common witnesses are examined.

5. In the wake of submissions of the petitioner as well as statement of learned State counsel, this Court deems it appropriate to direct the respondents not to compel the petitioner to lead his defence evidence in departmental proceedings till examination of common witnesses. In view of peculiar facts of the case, this Court believes that the common witnesses will be examined expeditiously.

6. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

03.05.2024
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>