



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

147-A

LPA-1282-2024 (O&M)
Date of decision:- 23.05.2024

Gurmeet SinghAppellant

vs.

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr.Parminder Singh, Advocate
for the appellant.

Ms. Tanisha Pehsawaria, D.A.G. Haryana

SANJEEV PRAKASH SHARMA, J. (Oral)

1. By way of the present appeal, the appellant assails the judgment dated 10.04.2024 passed by the learned Single Judge, whereby he has decided 35 writ petitions including that of the appellant i.e CWP No. 24857-2023 holding that the departmental enquiry proceedings can continue, as there is no complicated question of law or facts, which arises in the present case, so as to fulfil one of the essential ingredients for considering stay of the departmental proceedings. It was observed that the departmental proceedings are required to be culminated expeditiously.
2. Learned counsel for the writ-petitioner submits that the allegations levelled in the summary of charge for departmental proceedings are same as that of the criminal case. He further submits that



the writ-petitioner was not the person to whom the bribe amount was paid but he has been made co-accused solely on the basis of the disclosure statement of co-accused.

3. Learned counsel submits that the witnesses would be same in the departmental proceedings, and therefore, the departmental proceedings ought to have been stayed. He has also taken this Court to the order passed in the bail application, wherein certain observations were made by the Coordinate Bench of this Court granting bail to the petitioner, to submit that the petitioner is innocent.

4. Learned counsel further submits that the challan has not been filed as against the writ-petitioner. Thus, all the more, departmental proceedings need not be stayed, as criminal case has not yet been initiated.

5. The allegation levelled in the departmental enquiry against the present petitioner is that for release of bus on sapurdari, he got prepared false affidavit in connivance with other persons. Further, he being the investigating officer of the above case, with an intention to give benefit to the main accused and by arresting one innocent person showed gross negligence, indiscipline and irresponsibility. Thus, he has maligned the image of Police Department.

6. In view of the allegations levelled in the charge sheet, it is apparent that the aspect cannot be examined in criminal case and the departmental proceedings, therefore need not to be stalled during the criminal case.

7. We have taken a similar view in a case bearing LPA No 1146-2024 '*ASI Pawan Kumar vs. State of Haryana and others*',



decided on 08.05.2024 upholding the judgment dated 10.04.2024 of learned Single Judge, which is a subject matter of challenge in the present appeal as well.

- 8. Accordingly, the present appeal is dismissed.
- 9. Pending application(s), if any, also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

May 23, 2024
G Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No