



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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LPA-1221-2024 (O&M)  
Date of decision:- 23.05.2024

Mustaq .....Appellant  
vs.  
State of Haryana and others ...Respondents

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

Present: Mr.Balraj Gujjar, Advocate, for the appellant.  
Ms. Tanisha Pehsawaria, D.A.G. Haryana

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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 CWP No. 5111-2024 filed by the appellant was decided along with 34 other writ petitions by holding that the departmental enquiry proceedings cannot be stalled and can be continued during the pendency of the criminal case, in relation to the allegations levelled in the criminal case, which are also subject matter in the departmental proceedings. The learned Single Judge has also held that there is no complicated question (s) of law or facts, which arises in each of the cases, which would be one of the essential ingredients for considering granting stay of departmental proceedings. It was further observed that the departmental proceedings are required to be expedited.
2. Learned counsel for the writ-petitioner submits that as the witness and documents required to be produced in the regular departmental enquiry would be the same, as in the criminal case and



there are complicated question (s) of law involved as to whether the writ-petitioner can be said to be guilty of having committed the offence within the meaning of Prevention of Corruption Act, the departmental proceedings should ought to have been stayed by the learned Single Judge.

3. We have carefully considered the submissions and found that the writ-petitioner is Head Constable and his departmental enquiry is being conducted with regard to allegations of mis-conduct, on account of his involvement in a trap case of demanding and receiving bribe, which has lower down the image of Police in general.

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

5. 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.

6. Accordingly, the present appeal is dismissed.

7. 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