



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

133

CWP-11841-2024

Date of decision: 20.05.2024

GURWINDER SINGH**....PETITIONER****Vs.****STATE OF PUNJAB AND OTHERS****...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 to keep the departmental proceedings, initiated against him in abeyance till the conclusion of trial arising out of FIR No.47 dated 01.04.2024 (Annexure P-1) under Section 61 of the Excise Act, 1914 registered at Police Station Kamboj, District Amritsar (Rural).

2. Learned counsel for the petitioner submits that trial against the petitioner till date has not been commenced whereas respondent has passed order dated 03.04.2024 (Annexure P-2). The petitioner has been asked to lead his defence evidence. If the petitioner discloses his evidence, the respondent may use the said defence in the trial. The respondent may be directed not to proceed with departmental proceedings till the examination of Investigating Officer/Common witnesses.

3. Learned State counsel expressed his inability to controvert prayer of the petitioner.
4. The petitioner is praying for stay of departmental proceedings till the examination of common witnesses. This Court, especially considering pith and substance of Rule 16.3 of Punjab Police Rules and inability of learned State counsel to controvert prayer of the petitioner, directs the respondents to keep examination of common witnesses in abeyance till their examination before the trial Court. It is made clear that respondents would be free to examine those witnesses who are not common. The common witnesses would be examined in the departmental proceedings as soon as they are examined in the Trial Court.
5. It is made clear that as soon as common witnesses are examined before the Trial Court, the respondent would be free to proceed with departmental proceedings and the petitioner shall not seek adjournment or time on one or another ground.
6. Disposed of in above terms.

20.05.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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