

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

106

2024:PHHC:015874-DB

LPA-866-2021

Date of Decision: 06.02.2024

Gurpartap Singh

.....Appellant(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. R.S. Sekhon, Advocate,
for Mr. B.S. Saini, Advocate,
for the appellant.

Mr. Saurav Verma, Addl. A.G., Punjab.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The present letter patent appeal seeks consideration of the order passed by the Single Judge whereby the writ petition i.e. CWP No. 12767 of 2020 filed by the appellant-petitioner was dismissed on 26.08.2020.

2. The challenge in the writ petition was to the termination of the services of the petitioner who was serving as a Constable in the Punjab Police which had been done vide order dated 17.06.2019 (Annexure P-2). The said order was challenged unsuccessfully before the Inspector General of police on 11.10.2019 (Annexure P-3) which took into consideration the fact that the appellant was found in possession of intoxicant tablets which were recovered in pursuance of FIR No. 47 dated 25.05.2018 under the Narcotic Drugs and Psychotropic Substances Act, 1985. It was noticed that the Inquiry Officer had completed the inquiry as per the Rules and agreeing with the report of the Inquiry Officer, dismissal order had been passed. The said order was thereafter

the appellant since the appellant had filed a writ petition bearing CWP No. 4623 of 2020 at that point of time seeking directions for decision of his revision petition which was dismissed on 17.06.2020 (Annexure P-4).

3. The reasoning for the dismissal by the Single Judge is also on the ground that the reason which had weighed for termination was that on the basis of secret information received that Charanveer Singh, an undertrial in the Central Jail, Patiala, in connivance with one Harbhajan Singh and the present appellant, was indulging in supplying intoxicant tablets into Central jail, Patiala and in such circumstances, interception had taken place when recovery of the 50 intoxicant tablets was done whereas 140 tablets were recovered from Harbhajan Singh. The involvement of the appellant in drug trafficking being duly established and the appellant being member of the disciplined force, the Single Judge rightly not interfered with the order of dismissal that had been passed in the departmental proceedings. The Single Judge had also recorded that all the material facts have been duly noticed and the order passed by the Inspector General of police on 11.10.2019 (Annexure P-3) cannot be said to be non-speaking.

4. The appellant having been given personal hearing by the Deputy General of Police also could not bring forth any tangible material or reason that he had been wrongly implicated. Merely because the criminal proceedings are pending would be no ground as such to interfere in the order since it is settled principle that on the departmental side, the principle of preponderance of probabilities is to be kept in mind whereas on the criminal side, the principles are that the prosecution has to prove his case beyond a shadow of doubt.

5. Keeping in view the above, we do not find any reason to interfere with the order dated 26.08.2020 passed by the Single Judge in CWP No.

12767 of 2020 and the present appeal is accordingly dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

06.02.2024
shivani
Whether reasoned/speaking
Whether reportable

(LAPITA BANERJI)
JUDGE
Yes
No