

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

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2024:PHHC:044324

CWP No.807 of 2018

Date of Decision:03.04.2024

Gulshan Mohammad

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Mohinder Kumar, 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 setting aside of order dated 20.09.2017 (Annexure P-12) whereby the petitioner has been suspended.

2. This Court on 17.01.2018 passed the following order:-

“The petitioner is working as a Head Constable with the Punjab Police and is aggrieved against the order dated 20.09.2017 (Annexure P-12), passed by the SSP, Hoshiarpur, whereby he has been placed under suspension and a departmental enquiry has been ordered in the light of the complainant/alleged wife lodging FIR No.163 dated 16.09.2017, under Sections 406, 420, 494, 498-A and 506, IPC, registered at Police Station Sadar, Hoshiarpur.

It is contended that mere registration of the FIR and that relating to matrimonial dispute between the petitioner and the complainant/alleged wife, no case for initiation of departmental enquiry or suspension is made out. In support, learned Counsel for the petitioner

has cited judgments of Hon'ble Supreme Court titled as 'Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd., 1999 (2) SCT 660 and 'Uttaranchal Road Transport Corpn. and Ors. Vs. Mansaram Nainwal, 2006(3) SCT 830. He has also cited judgments of this Court passed in CWP No.25781 of 2013, decided on 22.05.2014 titled as 'Jasdeep Singh Ghuman Vs. Chairman-cumManaging Director, Punjab State Power Corp. Ltd., Patiala and Anr.' and CWP No.18632 of 2015, decided on 09.05.2017, titled as 'Joga Singh Vs. State of Punjab and Ors.'

Notice of motion for 26.04.2018.

Dasti as well.

Till the next date of hearing, further enquiry proceedings qua the petitioner shall remain stayed.”

3. Mr. Mohinder Kumar, Advocate, submits that during the pendency of present petition, investigating officer after completing investigation has filed cancellation report which stands accepted by trial court.
4. Mr. Aman Dhir, DAG, Punjab, does not dispute the afore-stated factual position and averment made by counsel for the petitioner.
5. In the wake of development which has taken place during the pendency of present petition, the petition is hereby disposed of with liberty to respondents to decide pending proceedings, in accordance with law.

03.04.2024
paramjit

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned:	Yes	
Whether reportable:		No