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

114

CWP-32366-2024

Date of Decision : 02.12.2024

SI BHOLA SINGH

.... PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Ashok Bhardwaj, 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 charge-sheet dated 03.07.2024.

2. The petitioner joined Punjab Police as Constable on 07.11.1989. He, in 1994, was holding rank of Assistant Sub-Inspector. He came to be implicated in FIR No.24 dated 13.06.2024 under Section 7 of Prevention of Corruption Act, 1988 as amended by PC (Amendment) Act of 2008 registered at Police Station Vigilance Bureau, Patiala. The allegation against him was that he has demanded bribe of Rs. 40,000/- from the complainant. He was arrested on 13.06.2024 and remained in custody for two months. Learned Special Judge vide order dated

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12.08.2024 ordered to release him on bail. The trial Court has framed charges and the matter is fixed for prosecution evidence. The department has initiated inquiry against him. He claims that proceedings before enquiry officer may be stayed till the conclusion of trial.

3. Mr. Ashok Bhardwaj, Advocate submits that case of petitioner is squarely covered by judgment of Supreme Court in **Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd., 1999(3) SCC 679.** The foundation of trial as well as departmental proceedings is same, thus, unless and until he is found guilty by trial Court, he should not be departmentally punished.

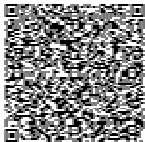
4. Mr. Aman Dhir, State counsel submits that a Co-ordinate Bench of this Court after noticing judgment of Supreme Court in **Capt. M. Paul Anthony's case (supra)** has dismissed a bunch of petitions including CWP No.15845 of 2023. The aggrieved officials preferred intra court appeals including LPA No.1255 of 2024 and 1146 of 2024. The intra court appeals stand dismissed vide judgment dated 22.05.2024. and 08.05.2024.

5. I have heard the arguments of counsel for the parties and perused the record.

6. It is undisputed fact that a Co-ordinate Bench of this Court has dismissed a bunch of petitions involving identical facts and issues. The judgment passed by a Co-ordinate Bench stands upheld by a Division Bench of this Court.

7. In the wake of judgment dated 22.05.2024 passed by Division Bench of this Court in LPA No.1255 of 2024 titled as "Tulsi

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Dass vs. State of Haryana and others” and judgment dated 08.05.2024 passed in LPA No.1146 of 2024 titled as “ASI Pawan Kumar vs. State of Haryana and others”, the instant petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

02.12.2024
anju

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No