

CWP-29403-2023

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CWP-29403-2023
Date of Decision: 04.01.2024

Satnam Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sanjeev Kumar, Advocate for
Mr. Jitender Singh Dadwal, Advocate for the petitioner
Mr. Inderpreet Singh Kang, AAG, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent Nos.2 and 3 to stay the departmental proceedings initiated against the petitioner.
2. Learned counsel for the petitioner contends that FIR No.17 dated 21.07.2023 (Annexure P-1) under Section 7, 7A of Prevention of Corruption Act, 1988 and Section 120-B of Indian Penal Code, 1860 at Police Station Vigilance Bureau, District Ludhiana, has been registered against the petitioner and on the same set of allegations the respondent department has initiated departmental proceedings. If the petitioner reveals his evidence during departmental proceedings, it would hamper his defence before the Trial Court.
3. Mr. Inderpreet Singh Kang, AAG, Punjab, who on advance notice is present in Court, submits that there are few witnesses which are common in departmental and criminal proceedings. The departmental

proceedings with respect to common witnesses would be deferred, however department may be permitted to proceed with respect to other witnesses.

4. Learned counsel for the petitioner agrees with the aforesaid arrangement.

5. In the wake of statement made by learned counsel for the parties, the petition stands disposed of.

6. Before parting with this order, it is apt to record that this Court has noticed that a number of writ petitions with the same prayer are pending before this Court. As per proviso to Rule 16.2 as well as Rule 16.3 of Punjab Police Rules, the departmental proceedings become futile exercise if an employee is acquitted in the criminal trial and acquittal is not covered by any of the exceptions carved out in Rule 16.3 of Punjab Police Rules. The departmental proceedings are concluded within a short span whereas conclusion of criminal trial takes pretty long time. On account of acquittal in criminal trial, the entire process of dismissal from service or any other punitive action has to be re-visited. This Court believes that Director General of Police, Punjab as well as Chief Secretary, Punjab should look into this aspect and design some mechanism to avoid aforesaid situation.

Registry is directed to send copy of this order to Director General of Police, Punjab and Chief Secretary, Punjab.

(JAGMOHAN BANSAL)
JUDGE

04.01.2024
Mohit Kumar

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