



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

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CWP-5253-2021

Date of decision: 14.02.2025

INDERJIT SINGH

....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. C.S. Jattana, Advocate for
Mr. G.B.S. Gill, Advocate
for the petitioner.

Mr. Ramandeep Singh, Senior DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. Mr. C.S. Jattana, Advocate submits that petitioner was implicated in FIR No. 7 dated 23.01.2020 under Sections 377 and 323 IPC registered at Police Station Sadar, Moga. The said FIR was lodged by his estranged wife. The respondent dismissed him from service without conducting inquiry. There was matrimonial dispute and FIR came to be registered against him. It was second FIR and first complaint was withdrawn by his wife whereupon the police filed cancellation report which was duly accepted by the Illaqa Magistrate. The petitioner has been acquitted in the FIR, thus, his matter needs to be reconsidered in terms of proviso to Rule 16.2 of Punjab Police Rules.

2. Mr. Ramandeep Singh, Senior DAG, Punjab submits that petitioner has been acquitted for commission of offence under Section 377 IPC, however, he has been released on probation *qua* offence under Section 323 IPC.



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3. On being confronted with judgment ***dated 05.08.2024*** passed in ***CWP-17103-2022*** titled as ‘***Parkash Singh @ Rachpal Singh Vs State of Punjab and others***’, Mr. Ramandeep Singh, Senior DAG, Punjab submits that Competent Authority would reconsider the claim of the petitioner in the light of Rules 16.2, 16.3 and Section 12 of Probation of Offenders Act, 1955.

4. To cut short the litigation, instead of original authority, the matter is remanded back to the Appellate Authority to review case of the petitioner in the light of Rule 16.2 read with Rule 16.3 of Punjab Police Rules and Section 12 of Probation of Offenders Act, 1955.

5. Disposed of accordingly.

6. Let the needful be done within 3 months from today. As conceded by Mr. C.S. Jattana, the petitioner shall not be entitled to back wages till the date of his reinstatement, if any.

14.02.2025
manoj

[JAGMOHAN BANSAL]
JUDGE

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