



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

CWP-5707-2019 (O & M)
Date of Decision: 16.05.2025

Angrej SinghPetitioner(s)

Versus

State of Punjab and othersRespondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Anupam Bhardwaj, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of orders dated 20.01.2016, 03.10.2017, 25.07.2018, 21.11.2018, 09.03.2020 and 09.10.2020 whereby his services have been terminated.

2. The petitioner joined Punjab Police as Constable on 04.06.1985. He from time to time was promoted to higher ranks. He was dismissed from service vide order dated 20.01.2016 on account of registration of FIR No.10 dated 20.01.2016 under Sections 384, 365, 419, 34 IPC registered at P.S. City-2, Mansa. He successfully preferred an appeal before the Appellate Authority. He was reinstated on 06.07.2017. The department conducted inquiry and Disciplinary Authority again dismissed him from service. He unsuccessfully preferred appeal as well as revision before higher authorities. The

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Revisionary Authority passed order on 21.11.2018 and petitioner entered into compromise with complainant in aforesaid FIR. This Court vide order dated 17.12.2019 set aside aforesaid FIR on the ground of compromise.

3. Mr. Anupam Bhardwaj submits that this Court in order dated 13.09.2022 has observed that petitioner's claim *qua* pension may be considered and he does not claim reinstatement. The petitioner does not claim reinstatement, however, he is entitled to pension because he had served for more than 30 years and as per Rule 16.2 of Punjab Police Rules, 1934 (in short 'PPR') respondent is bound to consider his claim for pension.

4. I have heard the arguments and perused the record.

5. From the perusal of record, it is evident that aforesaid FIR was registered against petitioner as he presented himself as member of CIA staff and snatched 1 kg gold and other articles from an employee of Rakesh Kumar. On the complaint of owner of the gold, FIR was registered and 1 kg gold was recovered from him. As per impugned orders, a sum of Rs.600/- was also recovered from him. The recovery of aforesaid amount of Rs.600/- is irrelevant because it is highly improbable to connect any person with such a meagre amount. However, factum of recovery of 1 kg gold cannot be ignored. It is not a case of recovery of one nose pin where recovery may be by chance. It is a case of conscious possession and recovery. Rule 16.2 of PPR directs that while granting punishment of dismissal from service, the authorities

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are required to consider length of service as well as claim of pension. It means that if the authorities find that alleged offence is not in consonance with punishment of dismissal from service, a lesser punishment may be granted considering length of service and right of pension. The petitioner was caught with 1 kg gold which he had snatched from an employee of a businessman. It was a case of dacoity. If man in uniform will snatch gold from businessman, there would be no hope from anybody else and there would be complete anarchy. The act of petitioner does not behove him. It was a case of gross misuse of power and abuse of process of law. He is claiming that matter has been compromised and FIR has been quashed, thus, he should be released pension. The complainant was a businessman and under fear and coercion he must have compromised the matter. There were all probabilities of getting scared from a person like petitioner who in daylight snatched gold. The action of petitioner does not deserve sympathy or compassion. It is apt to notice that on earlier occasion he was implicated in a criminal case as well as departmental enquiry.

6. In the wake of above discussion and findings, instant petition deserves to be dismissed and accordingly dismissed.

7. Pending application(s), if any, shall also stand disposed of.

16.05.2025
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(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
Yes