



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9167-2022 and other connected matters

Date of Decision: 12.05.2025

Jai ChandPetitioner(s)

Versus

State of Haryana and others ...Respondent(s)

Sr No.	Case Number	Titled
1.	CWP-11532-2019	DEVENDER SINGH V/S STATE OF HARYANA AND OTHERS
2.	CWP-9331-2021 (O&M)	MAHENDER SINGH V/S STATE OF HARYANA AND OTHERS
3.	CWP-8293-2022	DHARMENDER V/S STATE OF HARYANA AND OTHERS
4.	CWP-25530-2022	KRISHAN KUMAR V/S STATE OF HARYANA AND OTHERS
5.	CWP-31261-2024	VEER PAL V/S STATE OF HARYANA AND OTHERS
6.	CWP-25175-2024	JANAK RAJ V/S STATE OF HARYANA AND OTHERS
7.	CWP-17910-2024 (O&M)	MANOJ KUMAR V/S STATE OF HARYANA AND OTHERS
8.	CWP-15438-2022	HEAD CONSTABLE NAVEEN KUMAR V/S STATE OF HARYANA AND OTHERS
9.	CWP-16354-2022	RAJESH KUMAR V/S STATE OF HARYANA AND OTHERS
10.	CWP-17125-2022	JAI KARAN AND ANOTHER V/S STATE OF HARYANA AND OTHERS
11.	CWP-25602-2022	SUNIL KUMAR V/S STATE OF HARYANA AND OTHERS
12.	CWP-26309-2022	POONAM DEVI V/S STATE OF HARYANA AND OTHERS
13.	CWP-27374-2022	JAI BHAGWAN V/S STATE OF HARYANA AND OTHERS



14.	CWP-30045-2022	ESI BALRAJ SINGH V/S STATE OF HARYANA AND OTHERS
15.	CWP-30119-2022 (O&M)	JAIVEER SINGH V/S STATE OF HARYANA AND OTHERS
16.	CWP-1306-2023 (O&M)	SANDEEP KUMAR V/S STATE OF HARYANA AND OTHERS
17.	CWP-1483-2023	KALPNA V/S STATE OF HARYANA AND OTHERS
18.	CWP-3134-2023	SARLA V/S STATE OF HARYANA AND OTHERS
19.	CWP-3939-2023 (O&M)	SUSHIL KUMAR V/S STATE OF HARYANA AND OTHERS
20.	CWP-4363-2023	VIKRAM V/S STATE OF HARYANA AND OTHERS
21.	CWP-6174-2023	POONAM V/S STATE OF HARYANA AND OTHERS
22.	CWP-6826-2023	SUBHASH CHAND V/S STATE OF HARYANA AND OTHERS
23.	CWP-7419-2023	RAJEEV V/S STATE OF HARYANA AND OTHERS
24.	CWP-8028-2023	RAJENDER KUMAR V/S STATE OF HARYANA AND OTHERS
25.	CWP-12980-2023	DHARAM PAL V/S STATE OF HARYANA AND OTHERS
26.	CWP-30117-2024	BAJINDER SINGH V/S STATE OF HARYANA AND OTHERS
27.	CWP-12594-2021	SUMAN V/S STATE OF HARYANA AND OTHERS
28.	CWP-5530-2021	MAN SINGH V/S STATE OF HARYANA AND ORS
29.	CWP-13565-2023	KULDEEP SINGH AND OTHERS V/ S STATE OF HARYANA AND OTHERS
30.	CWP-25048-2024	KULWINDER SINGH V/S STATE OF HARYANA AND OTHERS
31.	CWP-35021-2024	JASBIR SINGH V/S STATE OF HARYANA AND OTHERS
32.	CWP-12216-2021 (O&M)	ASHOK KUMAR V/S STATE OF HARYANA AND OTHERS
33.	CWP-30274-2018	SATYAWAN V/S STATE OF HARYANA & ORS



34.	CWP-3675-2020	ASHOK KUMAR V/S STATE OF HARYANA AND OTHERS
35.	CWP-16121-2020	YOGESH V/S STATE OF HARYANA AND OTHERS

Present: Mr. Sunil K. Nehra, Advocate, for the petitioner(s) in CWP Nos. 9167 and 25530 of 2022.

Mr. Lalit Kumar Yadav, Advocate, for the petitioner in CWP-27374-2022, CWP-30045-2022, CWP-30119-2022, CWP-3134-2023, CWP-12216-2021 & CWP-17125-2022.

Mr. Manoj Kumar Sood, Advocate, for the petitioner in CWP-5530-2021.

Mr. Mannu Sheokhand, Advocate for the petitioner in CWP-35021-2024.

Ms. Shalini Atri, Advocate for the petitioner in CWP-25175-2024, CWP-17910-2024.

Mr. Ram Kumar Saini, Advocate for the petitioner in CWP-25602-2022.

Mr. Dheeraj Kumar, Advocate for Mr. Bhupinder Ghai, Advocate for the petitioner in CWP-3939-2023.

Mr. Jasbir Mor, Advocate for the petitioner in CWP-26309-2022.

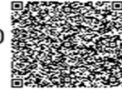
Ms. Seema Kumari, Advocate for Ms. Sonia G. Singh, Advocate for the petitioners in CWP-30274-2018, CWP-3675-2020 & CWP-16121-2020.

Mr. Randhir Singh, Advocate for the petitioner in CWP-9331-2021.

Mr. Deepkaran Dalal, Advocate and Mr. Yoginder Singh Rana, Advocate for the petitioner in CWP-30117-2024 & CWP-12594-2021.

Mr. Sandeep Lather, Advocate, for the petitioner in CWP-11532-2019.

Mr. Rakesh Sobti, Advocate, for the petitioner in CWP-31261-2024.



Mr. Ankur Lal, Advocate, for the petitioner in CWP-1306-2023.

Mr. Sanjeev Majra, Advocate, for the petitioner in CWP-6826-2023.

Mr. Parminder Singh, Advocate, for the petitioner in CWP-13565-2023.

Mr. B.S. Rana, Sr. Advocate, with Dr. S.K. Redhu, Advocate, for the petitioner in CWP-25048-2024.

Mr. Raman Sharma, Addl. A.G., Haryana,

Ms. Palika Monga, DAG, Haryana.

JAGMOHAN BANSAL, J.

1. By this common order, above noted writ petitions are hereby adjudicated as issues involved and prayer sought in all the petitions are common. For the sake of convenience and with the consent of parties, the facts are borrowed from ***CWP-9167-2022***.

2. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of charge sheet dated 02.03.2022 (Annexure P-2) to the extent departmental proceedings have been initiated against him due to his involvement in FIR No.3 dated 01.02.2022 (Annexure P-1). He is further seeking direction to respondent to keep the departmental proceedings in abeyance till the conclusion of trial arising out of aforesaid FIR.

3. Mr. Sunil Kumar Nehra, 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***. He further submits that the coordinate Bench of this Court in ***CWP-5111-2024*** titled as ***Mustaq and others vs.***



State of Haryana and others decided on 10.04.2024 has not considered judgment of Supreme Court in *Eastern Coalfields Ltd. and others vs. Rabindra Kumar Bharti, (2022) 12 SCC 390*. 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. Rakesh Sobti submits that in *Jagmal Singh vs. State of Haryana and others*, vide order dated 02.12.2023, a co-ordinate Bench has formed opinion contrary to opinion in *Mustaq (supra)*. The respondent has preferred intra court appeal against judgment in *Jagmal Singh (Supra)*, which is still pending.

5. Mr. B.S. Rana, Sr. Advocate submits that if petitioner discloses his evidence during the course of examination of witnesses in departmental proceedings, there are all possibilities of improvement by witnesses in criminal proceedings. The department is not likely to appreciate his evidence, rather would spoil his defence in the criminal proceedings. This would certainly cause prejudice to him.

6. Mr. Deep Karan Dalal, Advocate submits that petitioner has requested Inquiry Officer to decide as to whether he should proceed or wait till the conclusion of trial in terms of Rule 16.24 of Punjab Police Rules, 1934 (as made applicable to the State of Haryana) (in short PPR). The petitioner has further requested respondent/Inquiry Officer to keep the proceeding in abeyance.

7. Mr. Raman Sharma, Addl. A.G., Haryana and Ms. Palika Monga, DAG, Haryana submit that a Coordinate 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.5111 of 2024*. The aggrieved



officials preferred intra court appeals including LPA No. 1221 of 2024, LPA No.1255 of 2024 and 1146 of 2024. The intra court appeals stand dismissed.

8. I have heard the arguments of learned counsel for the parties and perused the record with their able assistance.

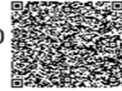
9. A question came up for consideration before a coordinate bench of this Court as to whether departmental proceedings can continue during the pendency of criminal proceedings if both the proceedings are based upon same set of allegations. The Court while adjudicating a bunch of petitions including **Mustaq (supra)** has held that the departmental proceedings can certainly continue despite pendency of criminal proceedings. The operative portion of judgment is reproduced herein:

196. In the earlier part of the judgment, this Court after considering the law laid down by the Hon'ble Supreme Court as well as the Division Bench of this Court in various judgments had observed that apart from other factors one of the primary factors which the Court is to consider before considering as to whether the evidence of the common witnesses in the departmental proceedings is to be kept in abeyance till their examination in the criminal case, is to see as to whether complicated questions of law and facts are involved in the case or not. The judgments which were relied upon by this Court were those of Hon'ble Supreme Court in the case of Capt. M.Paul Anthony (supra), the relevant portion of which had been reproduced in para 5 of the present order; the judgment of Hon'ble Supreme Court in the case of Indian Overseas Bank, Anna Salai and Anr (supra), the relevant portion of which had been reproduced in para 6 of the present order; the judgment of the Hon'ble Supreme Court in the case of State Bank of India and Ors. (supra), the relevant portion



of which had been reproduced in para 8 of the present order; the judgment of Division Bench of this Court in LPA- 470-2024, in which the judgment of this Court in CWP-975-2024, decided on 16.01.2024 on the same issue was upheld and the relevant portion of the judgment of the Division Bench is reproduced in para 10 of the present order and also the judgment of the Division Bench of this Court in LPA-252-2021, decided on 23.07.2021, the relevant portion of which has been reproduced in para 12 of the present order. No complicated question of law or fact has been brought to the notice of this Court nor any judgment has been cited by the counsel for the petitioner to show that the facts of the present case give rise to complicated question(s) of law or facts. This Court is of the opinion that no complicated question(s) of law or facts arise in the present case so as to fulfill one of the essential ingredients for considering stay of departmental proceedings. Further, no special facts arise in the present case, which are required to be mentioned, as per the law laid down by the Hon'ble Supreme Court in Kendriya Vidyalaya Sangathan & Ors (supra) warranting stay of departmental proceedings, rather the allegations against the petitioner are such that the departmental proceedings are required to be culminated expeditiously.

197.It would be relevant to note that in the criminal case, the report under Section 173 Cr.P.C. as noticed hereinabove, has already been filed and the statements of all the witnesses under Section 161 CrPC have already been recorded and a copy of the same has been given to the petitioner/accused and it is for the prosecution to prove the case against the petitioner by relying upon the evidence of the witnesses whose statements have already been recorded under Section 161 CrPC and the documents which form a part of the report under Section 173 CrPC and thus, the plea of prejudice



raised is misconceived. The Division Bench of this Court in Dr.Balwinder Kumar Sharma's (supra), the relevant portion of which has been reproduced in para 14 of the present order, had observed as under: -

“Therefore, there is no question of any disclosure of defence in the departmental proceedings. As far as the various provisions of Prevention of Corruption Act , 1988 are concerned, most of the provisions are to be proved by the prosecution during the course of trial except the one concerning "known sources of income", which again is within the special knowledge of accused-petitioner. Hence, there seems to be no justification in the prayer made by petitioner for staying of disciplinary proceedings.”

The SLP against the said judgment has been withdrawn.

Thus, keeping in view the principles enumerated in paragraph 17 of the present judgment and the abovesaid facts, there is no ground to accept the argument of learned counsel for the petitioner to the effect that till the time common witnesses are examined in the criminal case, the said witnesses should not be examined in the departmental proceedings and thus, the writ petition being meritless, deserves to be dismissed and is accordingly, dismissed.

198. It is made clear that this Court has not opined on the merits of the allegations either in the criminal proceedings or in the departmental proceedings and the trial Court in the criminal case as well the competent authority in the departmental proceedings would consider and adjudicate /decide the same independently, in accordance with law.”

10. The aforesaid judgment was assailed in Intra-Court appeal i.e. LPA No. 1221 of 2024 which came to be dismissed.

11. From above, 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.

12. Besides LPA No. 1221 of 2024, LPA No.1255 of 2024 titled as *“Tulsi Dass vs. State of Haryana and others”*, LPA No.1146 of 2024 titled as *“ASI Pawan Kumar vs. State of Haryana and others”* on the similar issue have been dismissed. In the light of these judgments, it can be concluded that the respondent cannot travel beyond the police report, thus, no prejudice is going to be caused to petitioner, if he leads his defence in departmental proceedings.

13. The Supreme Court in **Eastern Coalfields (supra)** has not held that departmental proceedings, especially when there are allegations of corruption, cannot continue on the ground that criminal proceedings are pending before Trial Court. The judgment passed by co-ordinate Bench of this Court in **Mustaq (Supra)** stands affirmed by a Division Bench of this Court in LPA-1221-2024, thus, as per principle of judicial precedent, this Court is bound to follow judgment of co-ordinate Bench of this Court in **Mustaq (Supra)**.

14. In the backdrop, all the petitions stand dismissed. It is hereby made clear that departmental authorities shall adjudicate pending proceedings without being influenced by dismissal of these petitions. The Court has not expressed its opinion on merit.

12.05.2025

(JAGMOHAN BANSAL)

shivani

JUDGE

Whether reasoned/speaking

Yes

Whether reportable

Yes