



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

CWP-10930-2025

Date of Decision: 13.05.2025

VIRENDER KUMAR

..... Petitioner

Versus

STATE OF HARYANA AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Saransh Sabharwal, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 22.08.2024 (Annexure P-6) and order dated 13.06.2024 (Annexure P-4) to the extent respondents have not treated period from 29.08.2022 to 12.06.2023 as spent on duty.

2. The petitioner is part of Haryana Police Force. He was implicated in FIR No.421 dated 28.08.2022, under Sections 323, 354, 452, 506 and 509 of IPC (later on added section 376 read with 511 of IPC) registered at Police Station Chandimandir, District Panchkula. The said FIR was lodged by his colleague. He was arrested and remained in custody from 29.08.2022 to 12.06.2023. The matter was settled and petitioner filed CRM-M-5221-2023 before this Court seeking setting aside of FIR on the ground of compromise. This Court vide order dated



16.11.2023 allowed the said petition and set aside FIR on the ground of compromise. The petitioner was reinstated and vide order dated 29.01.2024 exonerated from all the charges. The respondent passed order dated 13.06.2024 whereby period from 29.08.2022 to 12.06.2023 was declared as not spent on duty. The petitioner moved representation dated 27.06.2024 (Annexure P-5) before Commissioner of Police, Panchkula who dismissed the same.

3. Learned counsel for the petitioner submits that there was no fault on the part of the petitioner and his colleague lodged a false FIR. He remained in custody from 29.08.2022 to 12.06.2023. The said period should be treated as spent on duty.

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

5. From the perusal of record, it is evident that petitioner on the basis of complaint lodged by his colleague was embroiled in FIR No.421 dated 28.08.2022, under Sections 354, 452 and 376 of IPC, 1860. He was arrested and remained in custody for 10 months. The FIR was set aside by this Court on the basis of compromise arrived at between the parties. The FIR was not set aside on merit. The petitioner was implicated in FIR lodged by his colleague but not in official capacity. It was a private dispute between the parties. Had FIR been lodged by State, the outcome of the petition could be different. Had FIR been set aside on merit, the situation could be different. In the case in hand, FIR has been set aside on the basis of compromise, thus, it cannot be concluded that there was hon'ble acquittal or petitioner was falsely implicated. This Court is not oblivious of the fact that scope of interference in such matter is very



limited. Neither pure question of law nor fundamental right of petitioner is in question.

6. In the wake of above discussion and findings, this Court is of the considered opinion that respondent has rightly rejected claim of the petitioner.

7. The present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

13.05.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No