



CWP-10779-2025

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

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CWP-10779-2025

Date of Decision: 21.04.2025

Amrik Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. R.D. Gupta, Advocate and

Ms. Neeti Gupta, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

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 28.02.2025 (Annexure P-9) whereby respondent has rejected his claim for promotion to the post of Deputy Superintendent of Police (for short 'DSP').

2. From the perusal of impugned order, it is evident that respondent has rejected petitioner's claim on the ground that status of FIR No.7 dated 05.01.1999 under Sections 302 and 34 of Indian Penal Code, 1860 registered at Police Station Kathunangal is unknown. The relevant extracts of impugned order are reproduced as below :-

"6. Whereas it has been intimated by the office of DGP that against the Petitioner a case FIR No.07 dated 05.01.1999 under Sections 302, 34 IPC was registered at Police Station Kathunangal, on account of filing of a criminal writ petition bearing no.872/95 by Prem Singh s/o Bawa Singh r/o Mugo Sohi P.S. Kathunangal as per Order no.860-



CVPC dated 23.12.1998 of the Hon'ble Punjab and Haryana High Court. In this case copy of order of acceptance of cancelation report is not available in the record.

7. *Whereas an application was filed in the Hon'ble Court, Amritsar by the office of DGP for obtaining a copy of the cancellation report of the case registered against the petitioner in which the following orders were passed by the Hon'ble Court on 10.02.2025 :-*

"The prosecution/SHO of P.S Kathu Nangal has moved an application requesting the court for supplying the certified copies in the above said case. In this regard, report of GRK, Record Room, Amritsar, has been called, who reported that the state vs Cancellation report having FIR No. 07/1999, U/s 302 registered at P.S Kathuangular, the file of the said case not traced in the record room as the entry of the same was not found in the registers of the record room. So, the copy agency application no. 13526/2024 could not be delivered to the applicant. In view of the report, necessary intimation be sent to concerned SHO, quarter concerned. Papers be consigned to the record room, Amritsar."

8. *Whereas neither with the Hon'ble Court nor with the Police department there is any record from which it can be established that the cancellation report was either approved or complaint was dismissed in the case registered against the petitioner. In this case, in the case under FIR No.07 dated 05.01.1999 under Sections 302, 34 IPC registered at Police station Kathunangal against the petitioner, copy of acceptance of cancellation report is not available in the record. As per the record of Home Department as well as Police department, the criminal case against the petitioner is pending.*

9. *By keeping in view the above position, by considering the representation of the petitioner in compliance of the Orders of the Hon'ble Punjab and Haryana High Court in Civil Writ Petition no. 24348/2024 and after going through*



the entire record because of the pendency of case under FIR No. 07 dated 05.01.1999 under sections 302, 34 IPC registered at Police station Kathunangal against the Sh. Amrik Singh, the petitioner cannot be promoted as DSP from back date and the representation submitted by him for DSP deemed date is filed in the office.”

3. From the above quoted paragraphs of impugned order, it is evident that no criminal case arising out of afore-stated FIR is pending before the Trial Court. Inference must be drawn in favour of the petitioner whereas respondent has wrongly rejected his claim.

4. On being confronted with order dated 10.02.2025 of Trial Court, Mr. Aman Dhir, Deputy Advocate General, Punjab, who on advance notice is present in Court, expressed his inability to controvert that as per said order, it cannot be inferred that matter is pending before the Trial Court.

5. Considering order dated 10.02.2025 passed by the Trial Court and statements of both sides, this Courts finds it appropriate to set aside impugned order dated 28.02.2025 (Annexure P-9). Accordingly, impugned order is hereby set aside with a direction to respondent to pass a fresh order with respect to claim of the petitioner *qua* post of DSP within three months from today. The fresh order shall be passed ignoring afore-stated FIR unless respondent brings on record the fact that trial is still pending.

6. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

21.04.2025
Mohit Kumar

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