



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

**CWP No.13971 of 2025
Date of Decision: 16.07.2025**

Sub Inspector/LR Sukhpal Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Baljeet Singh Sidhu, Advocate
for the petitioner

Mr. Aman Dhir, DAG, 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:

- I. Order dated 18.12.2020 (Annexure P-7) whereby his one year earned service was forfeited for increments; and
- II. Orders dated 01.06.2022 and 01.07.2024 whereby revision and mercy appeal filed by him were dismissed.

2. The petitioner is a retired Police Officer. He joined Punjab Police as Constable on 28.07.1988. He, from time to time, was promoted on the higher rank. In 2017, he was posted at Police Station, Salem Tabri, Ludhiana. An FIR No. 246 dated 12.08.2017, under Section 306 IPC came



to be registered against him at Police Station Salem Tabri, Ludhiana on the complaint of Anita Rani wife of Bikramjit Singh. The complainant alleged that her husband had committed suicide on account of abetment by four persons. The petitioner arrested Sushil Kumar one of the alleged accused who later on was found innocent by Additional Deputy Commissioner of Police Zone-I, Ludhiana. The respondent initiated departmental enquiry against the petitioner alleging that he did not try to obtain handwriting sample of deceased Bikramjit Singh from the complainant i.e. wife of the deceased. He did not try to take possession of mobile phone used by Bikramjit Singh on which alleged accused Amandeep Singh had threatened Bikramjit Singh. On the basis of report of Enquiry Officer, the petitioner was awarded punishment of forfeiture of two years increments with permanent effect. He preferred appeal before Appellate Authority which vide order dated 18.12.2020 modified quantum of punishment. The awarded punishment was substituted by forfeiture of service for one increment with permanent effect. The petitioner unsuccessfully preferred revision before Director General of Police, Punjab as well as mercy petition before Government.

3. Mr. Baljeet Singh Sidhu, Advocate submits that petitioner was innocent. He had acted with due diligence. There was no lapse on his part. Station House Officer of the police station, during the enquiry, categorically deposed in favour of the petitioner.

4. Mr. Aman Dhir, DAG, Punjab submits that punishment awarded is commensurate with the alleged offence.



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

6. The enquiry was conducted by Additional Deputy Commissioner of Police, Ludhiana. Findings returned by Enquiry Officer are reproduced as below:-

“According to the above, after perusing the statements of the prosecution witness, statements of the defence witness, written reply submitted by SI Sukhpal Singh No. 130/ASR and documents submitted in connection with the departmental inquiry, it has been found that SI Sukhpal Singh No. 130/ASR was posted at Salem Tabri Police Station, Ludhiana on 19-09-2012. On 12-08-2017, on the statement of Anita Rani wife of Bikramjit resident of house number 2033/389, New Ashok Nagar-B, Police Station Salem Tabri, Ludhiana, FIR No. 246 dated 12-08-2017 was registered under section 306 IPC, Police Station Salem Tabri, Ludhiana, against Harjas resident of 30 Foot Road, Salem Tabri, Ludhiana, Sushil Kumar alias Topi resident of Ishar Singh Nagar, Dhaba Road, Ludhiana and 2 unknown persons, the investigation was carried out till 29-08-17 by Inspector Madhu Bala. From 29-08-17 to 31-12-17, the further investigation of the case was carried out by SI Sukhpal Singh No. 130/ASR. During the investigation, SI Sukhpal Singh No. 130/ASR was to obtain a handwriting sample of her deceased husband Bikramjit Singh from the complainant Mrs. Anita Rani, with which the suicide note of the deceased Bikramjit Singh was to be matched, but Sukhpal Singh No. 130/ASR did not obtain the handwriting sample of the deceased from the complainant Mrs. Anita Rani and the mobile phone used by the deceased Bikramjit Singh,



in which the complainant Anita Rani has told that the accused Amandeep Singh threatened the deceased, no concrete effort was made by SI Sukhpal Singh No. 130/ASR to obtain this mobile phone nor was any effort made to obtain the visra report of the deceased. Now all this has been done by the next investigating officer of the above case SI Jagdev Singh. Apart from this, SI Sukhpal Singh No. 130/ASR has used haste while arresting the accused Sushil Kumar, who was later acquitted by the Additional Deputy Commissioner of Police Zone-1 Ludhiana. I do not agree with the written reply and witness statement submitted by SI Sukhpal Singh No. 130/ASR because SI Sukhpal Singh No. 130/ASR should have obtained the handwriting of the deceased Bikramjit Singh and the mobile used by him from the complainant Anita Rani and got it matched and the arrest of the accused Sushil Kumar should have been carried out by bringing the testimony on the file, but SI Sukhpal Singh No. 130/ASR did not do so. Thus, the charges made in the charge sheet against SI Sukhpal Singh No. 130/ASR are proved.”

7. The Disciplinary Authority after issuing show cause notice passed order of forfeiture of two increments with permanent effect. The Appellate Authority taking a lenient view reduced the quantum of punishment.

8. The Supreme Court has time and again reminded that High Court cannot examine factual position and disturb findings recorded by departmental authorities. The Court has further held that High Court cannot re-quantify quantum of punishment, however, if Court finds that punishment



awarded is disproportionate to alleged offence, the Court may ask the authorities to re-consider quantum of punishment.

8.1 In **Om Kumar v. Union of India, (2001) 2 SCC 386** a matter came up for hearing on account of an order of Supreme Court dated 04.05.2000 proposing to re-open the quantum of punishments imposed in departmental inquiry on certain officers of the Delhi Development Authority who were connected with the land of the DDA allotted to M/s. Skipper Construction Co. It was proposed to consider imposition of higher degree of punishment in view of the role of these officers in the said matter. The question posed before the court was whether the right punishment was awarded to the officers in accordance with well known principles of law or whether the punishments required any upward revision. Proportionality as a constitutional doctrine has been highlighted therein.

8.2 In **Bhagat Ram v. State of Himachal Pradesh, (1983) 2 SCC 442**, the Apex Court held that any penalty which is disproportionate to the gravity of misconduct would be violative of Article 14 of the Constitution of India. The relevant extracts of the judgment read as:

“15. ... It is equally true that the penalty imposed must be commensurate with the gravity of the misconduct, and that any penalty disproportionate to the gravity of the misconduct would be violative of Article 14 of the Constitution. ...”

9. From the perusal of record, this Court comes to a conclusion that there is no procedural infirmity or otherwise illegality in the impugned orders warranting interference. The authorities have recorded categorical findings with regard to act and conduct of the petitioner. This Court cannot



substitute opinion of authorities by its opinion. This Court cannot sit over opinion of authorities as appellate Court.

10. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

16.07.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	