



266 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CWP-14479-2023 (O&M)
Date of Decision: 20.05.2025

SANJEEV KUMAR

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Amandeep Rana, Advocate
 for the petitioner.

Ms. Palika Monga, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to keep departmental proceedings in abeyance till the conclusion of criminal proceedings arising out of FIR No.238 dated 28.03.2023, under Section 7 of Prevention of Corruption Act, 1988 and Section 166 A of IPC (Section 180 of IPC added later on) registered at Police Station Yamuna Nagar City, District Yamuna Nagar.

2. Mr. Amandeep Rana, 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***. 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.

3. Ms. Palika Monga, DAG, Haryana submits 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.15845 of 2023*. The aggrieved officials preferred intra court appeals including LPA No.1255 of 2024 and 1146 of 2024. The intra court appeals stand dismissed vide judgment dated 22.05.2024 and 08.05.2024.

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

5. 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.

6. In the wake of judgment dated 22.05.2024 passed by Division Bench of this Court in *LPA No.1255 of 2024* titled as “*Tulsi Dass vs. State of Haryana and others*” and judgment dated 08.05.2024 passed in *LPA No.1146 of 2024* titled as “*ASI Pawan Kumar vs. State of Haryana and others*”, 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. There is no substance in the apprehension expressed by the petitioner.

7. Dismissed.

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

(JAGMOHAN BANSAL)
JUDGE

20.05.2025
Prince Chawla

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