



116

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

CWP-18633-2025

Date of Decision: 09.07.2025

BALWINDER SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. V.K. Gupta, 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:

(i) Setting aside of show cause notice dated 03.04.2021 (Annexure P-2);

(ii) Order dated 28.09.2021 (Annexure P-4) whereby entitlement to draw the remaining pay/allowances of the period under suspension was dismissed; and

(iii) Orders dated 26.10.2022 (Annexure P-5), 13.05.2024 (Annexure P-9) and 28.01.2025 (Annexure P-11) whereby appeals against forfeiture of four years service was dismissed.

2. The petitioner joined Punjab Police as Constable on 16.07.1988. He came to be implicated in FIR No.09 dated 17.05.2017,



under Sections 7, 8 and 13 (2) of Prevention of Corruption Act, 1988. He was placed under suspension w.e.f. 17.05.2017. An Enquiry Officer was appointed who submitted his report dated 18.11.2017 to the effect that petitioner is guilty of alleged misconduct. He was transferred from District Hoshiarpur to Jalandhar (Rural). He was issued show cause notice on the basis of inquiry report. The Disciplinary Authority awarded him punishment of forfeiture of four years approved service with future effect. He came to be acquitted by the Trial Court vide judgment dated 30.03.2024. The judgment of acquittal was passed on 30.03.2024 and at that point of time, his revision was pending before DGP. DGP without considering his acquittal in true spirit dismissed his petition vide order dated 13.05.2024. He unsuccessfully preferred representation before Government. The relevant extracts of order dated 13.05.2024 passed by DGP are reproduced as below:

“The appeal filed by the appellant ASI Balwinder Singh 413/Kapurthala against forfeiture of 4 years of service in this office which was heard under rule 16.32 of Punjab police rules 1934 and he was given opportunity of being heard. The appeal filed by the appellant is considered under rule 16.3 of Punjab police rules which is as under:-

16.3. Action following on a judicial acquittal. (1) *When a Police Officer has been tried and acquitted by a criminal court he shall be not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case, whether actually led or not, unless -*

- a) the criminal charge has failed on technical grounds; or*
- b) in the opinion of the Court or of the Superintendent of Police, the prosecution witnesses have been won over; or*



c) the Court has held in its judgment that an offence was actually committed and that suspicion rests upon the police officer concerned; or

d) the evidence cited in the criminal case discloses facts unconnected with the charge before the court which justify departmental proceedings on a different charge; or

e) additional evidence admissible under rule 16.25(1) in departmental proceedings is available.

The appeal filed by the appellant ASI Balwinder Singh 413/Kapurthala against forfeiture of 4 years of service in this office has been dismissed by Director General Of Police Punjab (sic) and order number 2340-52 dated (sic) passed by SSP Hoshiarpur kept intact.”

3. Rule 16.3 of PPR provides that if a police officer is acquitted by criminal Court, he shall not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case. Rule 16.3 of PPR is reproduced as below:

“16.3. Action following on a judicial acquittal. - (1) When a Police Officer has been tried and acquitted by a criminal court he shall be not be punished departmentally on the same charge or on a different charge upon the evidence cited in the criminal case, whether actually led or not, unless -

(a) the criminal charge has failed on technical grounds; or

(b) in the opinion of the Court or of the Neutral Superintendent of Police, the prosecution witnesses have been won over; or

(c) the Court has held in its judgment that an offence was actually committed and that suspicion rests upon the police officer concerned; or

(d) the evidence cited in the criminal case discloses facts unconnected with the charge before the court



which justify departmental proceedings on a different charge; or

(e) additional evidence admissible under rule 16.25(1) in departmental proceedings is available.

(2) Departmental proceedings admissible under sub-rule (1) may be instituted against Lower Subordinates by the order of the Superintendent of Police but may be taken against Upper Subordinates only with the sanction of Deputy Inspector General of Police, and a police officer against whom such action is admissible shall not be deemed to have been honorably acquitted for the purpose of rule 7.3 of the Civil Services Rules (Punjab), Volume I, Part I.”

4. The acquittal from criminal proceedings does not automatically entitle immunity from departmental action. A police officer may be subjected to departmental punishment despite acquittal in criminal proceedings as per exceptions carved out in Rule 16.3 of PPR. If acquittal is not based upon exceptions carved out in Rule 16.3 of PPR, a police officer is entitled to immunity from departmental action.

5. Mr. Dhir, learned State counsel expressed his inability to controvert that order passed by DGP is cryptic and non-speaking.

6. The petitioner was acquitted by the Special Court vide judgment dated 30.03.2024. From the perusal of order of DGP, it is evident that he has noticed Rule 16.3 of Punjab Police Rules, 1934 (for short ‘PPR’), however, neither judgment of acquittal has been considered nor reasons have been recorded for rejecting claim of the petitioner. Order passed by DGP is totally non-speaking and cryptic. DGP had passed order acting as quasi-judicial authority. It was statutory revision, thus, there was need to consider the applicable Rules & judgments.

7. In the wake of above discussion and quoted rules, this Court



finds it appropriate to remand the matter to DGP, Punjab to reconsider the case of the petitioner in the light of judgment of acquittal read with Rule 16.3 of PPR and pass fresh order. The needful shall be done within six months from today.

8. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

09.07.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No