



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

CWP-22523-2018

Date of Decision: 19.08.2025

Rajesh Kumar

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. G.S. Madaan, Advocate and
Mr. Amolak, 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 orders dated 11.08.2017 (Annexure P-5), 26.04.2017 (Annexure P-4), 19.03.2016 (Annexure P-3) and 04.05.2012 (Annexure P-2) whereby punishment of stoppage of two increments with cumulative effect has been imposed upon the petitioner.

2. The petitioner joined Punjab Police on 28.05.1993 under Sports Category. One accused namely Rajesh Kumar @ Reeku was produced before trial Court at Sunam on 24.12.2004. He was in the custody of Head Constable (HC) Jarnail Singh. The said accused escaped from the custody of HC Jarnail Singh. On the complaint of petitioner, FIR No.464 dated 24.12.2004 was registered under Sections 223 and 224 of IPC at Police Station Sunam, District Sangrur against HC Jarnail Singh

and Rajesh Kumar @ Reeku. The Investigating Officer after completing investigation filed his representation before trial Court. The petitioner appeared before trial Court and made his statement. The trial Court acquitted HC Jarnail Singh, however, while passing judgment dated 03.05.2011 made observations with respect to conduct of Police Officials as well as APP. On account of observations of trial Court, the respondent initiated departmental inquiry against petitioner as well as other Police Officials. The petitioner was awarded punishment of stoppage of two increments with cumulative effect vide order dated 04.05.2012. He preferred appeal before Deputy Inspector General of Police (DIG), Patiala who dismissed his appeal on merits as well as limitation. He preferred revision which was also dismissed. He also filed mercy appeal which was also dismissed.

3. Learned counsel representing the petitioner submits that in the departmental inquiry there were five accused. The Disciplinary Authority awarded punishment of warning to one Officer and Investigating Officer was exonerated. One Police Official died during the course of inquiry. It was petitioner and 5th accused who were awarded punishment of forfeiture of increments with cumulative effect. The petitioner deposed as per his knowledge before the trial Court. There was no attempt to favour HC Jarnail Singh.

4. *Per contra*, Mr. Aman Dhir, DAG, Punjab submits that from the perusal of judgment of trial Court, it is quite evident that petitioner resiled from his statement and APP did not request to declare him hostile. There were specific aspersions against petitioner and other Officials, thus, department was bound to take appropriate action.

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

6. From the perusal of judgment of acquittal passed by trial Court, it is evident that Court has noticed that petitioner resiled from his statement. He tendered his statement as per his convenience and APP did not request to declare him hostile. The relevant extracts of judgment read as:

“12. From the testimony adduced by PW4 A.S.I Pritam Singh and PW10 C.II Rajesh Kumar, it has come on record that both the aforesaid prosecution witnesses have made frantic efforts to ensure the acquittal of accused H.C Jarnail Singh. PW10 C.II Rajesh Kumar and PW4 A.S.I Pritam Singh have not uttered even a single word, if accused Rajesh Kumar alias Reeku was kept in confinement of H.C Jarnail Singh accused in this case. PW10 C.II Rajesh Kumar has crossed all limits of testifying falsely on oath by stating in his cross-examination that he does not know, as to which of the police officials kept or legally bound as a public servant to keep in confinement Rajesh Kumar alias Reeku (since proclaimed offender).

13. Not only this, even APP for the State has not preferred to make a request to the court to declare C.II Rajesh Kumar hostile, as he has resiled from his statement Ex.PA, in which he has categorically got recorded that under trial Rajesh Kumar alias Reeku (since proclaimed offender) was kept in confinement of H.C Jarnail Singh accused in this case, rather he was allowed to make the statement in the court on oath as per his convenience.”

7. From the perusal of above quoted paragraphs, it is evident that petitioner despite being Police Officer and complainant in the FIR did not support case of the prosecution. The trial Court under compelled

circumstances made observations against him besides other Officers. There cannot be negative equality. Every Official has played independent role. The Departmental Authorities found two persons guilty and awarded them punishment. The other persons were not awarded equal punishment in view of their peculiar facts and circumstances. The role of everyone was not same and the circumstances were also different, thus, petitioner cannot be exonerated on the ground that co-accused have been granted lesser punishment.

8. In view of the above discussion and findings, the instant petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

19.08.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No