



CWP-18912-2025

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

CWP-18912-2025

Date of Decision: 10.07.2025

MOHINDER SINGH SAINI

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sunny K. Singla, 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:

- (i) Inquiry report dated 16.07.2019 (Annexure P-2);
- (ii) Order dated 23.11.2020 (Annexure P-3) whereby Commissioner of Police dismissed him from service;
- (iii) Order dated 10.02.2021 (Annexure P-4) whereby Additional Director General of Police dismissed his appeal;
- (iv) Order dated 20.04.2022 (Annexure P-5) whereby second appeal filed against 10.02.2021 order was dismissed; and
- (v) Order dated 25.10.2023 (Annexure P-6) whereby Home Secretary ordered to keep the matter in abeyance.

2. The petitioner joined Punjab Police Force on 04.02.1992 as Constable. He was promoted as Head Constable in 2002 and further



promoted as ASI in 2018. He was implicated in an FIR No.1 dated 28.01.2019, under Section 7 of Prevention of Corruption Act, 1988 registered at Police Station Vigilance Bureau, District Ludhiana. The respondent initiated departmental proceedings against him on account of aforesaid FIR. The disciplinary authority dismissed him from service vide order dated 23.11.2020 (Annexure P-3). He unsuccessfully preferred appeal as well as revision before higher authorities. He preferred petition before Secretary, Government of Punjab, Department of Home Affairs & Law. The Home Secretary vide order dated 25.10.2023 (Annexure P-6) formed an opinion that final decision would be taken after finalization of criminal proceedings. Learned Trial Court acquitted him vide judgment dated 20.12.2024 (Annexure P-8). In the interregnum, he preferred CWP No.9618 of 2024 before this Court which vide order dated 29.04.2024 (Annexure P-7) was dismissed as withdrawn with liberty to raise his grouse after conclusion of criminal proceedings.

3. Mr. Sunny K. Singla, Advocate for the petitioner submits that period of more than 6 months from the date of petitioner's acquittal has already passed away and judgment of acquittal has not been assailed still he has not been reinstated. He has filed representation dated 24.01.2025 which is still pending.

4. 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.”

5. 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.

6. The petitioner was acquitted by the Trial Court vide judgment dated 20.12.2024. From the perusal of impugned order, it is



evident that Authorities have not adverted to Rule 16.3 of PPR while passing the order. Rule 16.3 of PPR is directly applicable as soon as criminal proceedings are dropped. Competent Authority is duty bound to ascertain applicability of Rule 16.3 of PPR in the departmental proceedings as soon as person is acquitted by criminal Court.

7. Mr. Dhir, learned State counsel expressed his inability to controvert the aforesaid factual and legal position.

8. In the wake of above discussion and quoted Rule, 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 three months from today.

9. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

10.07.2025

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