



RSA-210-2013 (O&M)

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

RSA-210-2013 (O&M)

Reserved on : 17.11.2025

Pronounced on : 19.12.2025

Uploaded on : 19.12.2025

Gurdial Singh

.....Appellant

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Rajnikant Upadhyay, Advocate,
for the appellant.

Mr. Animesh Sharma, Addl. A.G., Punjab,
for the respondents.

SUDEEPTI SHARMA J.

1. The present Regular Second Appeal is preferred against the judgment and decree dated 04.11.2009 passed by learned Civil Judge (Junior Division), Dhuri, whereby, the civil suit filed by the appellant was dismissed, as well as against the judgment and decree dated 01.08.2012 passed by learned Additional District Judge, Sangrur, whereby the appeal filed against the judgment and decree dated 04.11.2009, passed by learned Civil Judge (Junior Division), Dhuri, was also dismissed.

BRIEF FACTS

2. Brief facts of the case, as pleaded in the civil suit, are that appellant was enrolled in the Police Department of Punjab as Constable in



the year 1973. The case arose from departmental action against him alleging that he did not return the Wireless Set, which was entrusted to him since April, 1994. Thereafter, the Deputy Inspector General of Police, ordered recovery of Rs.7,577.90/-. Apart from recovery of money, the Senior Superintendent of Police, Jagraon, on 03.01.1994, ordered that one year of approved service of appellant be forfeited with permanent effect. Appellant filed appeal before the Deputy Inspector General of Police, Ludhiana Range, Ludhiana, which was dismissed on 31.08.2001. He filed appeal before the Inspector General of Police, Zonal-II, Jalandhar, which was also dismissed vide order dated 08.08.2002. FIR was registered against him under Section 409 the Indian Penal Code, 1860, in which he was acquitted vide judgment dated 28.02.2000, passed by learned Judicial Magistrate Ist Class, Ludhiana. And while acquitting, it was held by learned Judicial Magistrate Ist Class, Ludhiana, that the evidence against the appellant is not sufficient to prove the guilt of appellant. The respondent-State did not file appeal against the acquittal. Thereafter, appellant filed Civil Writ Petition No.7921 of 2012, which was also dismissed. Appellant filed civil suit for declaration to be entitled to get all service benefits, loss of promotion and increments etc. from the respondent-department apart from damages and declaring orders dated 03.01.1994, 31.08.2001 and 08.08.2002 passed by the respondent-department being inconsistent with the judicial verdict dated 28.02.2000, whereby appellant was acquitted in trial under Section 409 of the Indian



Penal Code, 1860, qua the rights of the appellant and suit for decree of mandatory injunction directing the respondents to make payment of entire service benefit of the appellant, in accordance with law, since the allegations/challenges levelled against the appellant stands wiped out, vide judgment dated 28.02.2000 passed by learned Judicial Magistrate Ist Class, Ludhiana, and further directing the respondents to pay Rs.10,00,000/- on account of damages i.e. mental torture, agony of trial, arrest and releasing on bail, loss of promotion and increments, illegal harassment and financial loss etc. with interest from the date of filing the suit till its realization. The civil suit filed by him was dismissed by learned Civil Judge (Junior Division), Dhuri, vide its judgment and decree dated 04.11.2009. He filed appeal against the judgment and decree dated 04.11.2009, which was also dismissed by learned Additional District Judge, Sangrur, vide its judgment and decree dated 01.08.2012. Hence, the present regular second appeal.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. Learned counsel for the appellant contends that for one fault, two punishments were awarded i.e. recovery and forfeiture of one year approved service with permanent effect, apart from registration of the criminal case, which is not permissible as per law. He further contends that both the Courts did not appreciate the acquittal of the appellant and dismissed the civil suit as well as appeal filed by him. He, therefore, prays that the present appeal be allowed.



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4. *Per contra*, learned counsel for the respondents submits that both the Courts have rightly dismissed the civil suit as well as appeal filed by the appellant. Therefore, he prays that the present appeal be dismissed.

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

6. Admittedly, appellant was charge-sheeted for loss of Wireless Set belonging to the respondent-department, therefore, departmental inquiry was initiated against the appellant and he was penalized. Thereafter, Deputy Inspector General of Police, Ludhiana Range, Ludhiana, ordered recovery of Rs.7,577.90/- as costs of the Wireless Set and the Senior Superintendent of Police, Jagraon, ordered punishment of forfeiture of one year of approved service with permanent effect. Appellant filed appeal before the Deputy Inspector General of Police, Ludhiana Range, Ludhiana, which was dismissed on 31.08.2001. He file revision petition before the Inspector General of Police, Zonal-II, Jalandhar, against the order dated 31.08.2001, which was also dismissed on 08.08.2002. In FIR No.65/1 of 15.02.1997, under Section 409 IPC, registered at Police Station Dehlon, against the appellant, he was acquitted by learned Civil Judge (Junior Division), Ludhiana, vide its judgment dated 28.02.2000. The civil suit filed by him was dismissed on merits as well as on the ground that the suit is barred by limitation by learned Civil Judge (Junior Division), Dhuri, vide its judgment and decree dated 04.11.2009.



7. The contention of the appellant that the recovery of the amount as well as punishment of forfeiture of one year of approved service with permanent effect would amount to double jeopardy is liable to be rejected. Admittedly, Wireless Set belonging to the respondent-department was lost from the custody of the appellant for which the recovery of Rs.7,577.90/- was effected from the appellant. And since it is admitted fact of the appellant as well that the Wireless Set belonging to the respondent-department was lost from his custody, respondent-department was competent to lodge criminal proceedings as well as departmental proceedings against him for misappropriation/negligence etc. since there are two separate offences, one for loss of the Wireless Set belonging to the respondent-department and another for misappropriation/negligence of duty on the part of the appellant. And the amount recovered from the appellant for Wireless Set would not condone the offence committed by the him i.e. negligence of duty.

8. So far as the question regarding civil suit being barred by limitation is concerned, learned Additional District Judge, Sangrur, has rightly decided that the suit was within limitation.

9. In view of the above discussion, I do not find any infirmity or illegality in the judgment and decree dated 04.11.2009 passed by learned Civil Judge (Junior Division), Dhuri, except Issue No.4 i.e. Whether the suit is within limitation?, which has rightly been decided by learned Additional



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District Judge, Sangrur, vide its judgment and decree dated 01.08.2012, being within limitation, as well as in the judgment and decree dated 01.08.2012 passed by learned Additional District Judge, Sangrur, and same are upheld.

10. Consequently, the present appeal is hereby **dismissed**. Parties are left to bear their own costs.

11. Decree sheet be drawn.

12. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

19.12.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No