



CWP-22420-2025

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

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CWP-22420-2025

Date of Decision: 04.08.2025

Ajaib Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Parminder Singh, Advocate for the petitioner

Ms. Rajni Gupta, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of departmental proceedings initiated against him vide order dated 08.07.2025 (Annexure P-2) and summary of charges dated 14.07.2025 (Annexure P-3).

2. The petitioner is part of Haryana Police Force and holding rank of Sub-Inspector. He was implicated in FIR No.17 dated 25.06.2025 under Sections 7, 13(i)(b), 13(ii) of Prevention of Corruption Act, 1988 (for short '**PC Act**') registered at Police Station Anti-Corruption Bureau, Karnal Division, Karnal. He was arrested in the aforesaid FIR and till date is confined in Jail. The respondent has initiated departmental proceedings against him. The respondent has served summary of charges dated 14.07.2025 upon the petitioner.



3. Learned counsel for the petitioner submits that respondent has initiated departmental inquiry in violation of Rule 16.38 of Punjab Police Rules, 1934, applicable to State of Haryana (for short '**PPR**'). The respondent was bound to seek approval of Magistrate before initiating departmental proceedings. The respondent in the case of many other employees has issued preliminary show cause notice whereas petitioner was not issued preliminary show cause notice and was straightaway served summary of charges after appointment of Enquiry Officer. This is in violation of Rule 16.24 of PPR.

4. This Court vide judgment dated 12.05.2025 passed in ***CWP No.15246 of 2022, Narender Kumar v. State of Haryana and others*** has held that Rule 16.38 of PPR is inapplicable where there is allegation of corruption. No prior permission of Magistrate is required.

5. In the instant case, the petitioner has been arrested in FIR registered under Section 7 of PC Act. The case of the petitioner is squarely covered by the aforesaid judgment.

6. The petitioner is further claiming that there is requirement of conducting preliminary enquiry. From the perusal of Rule 16.24 of PPR, it is evident that it is not necessary to conduct preliminary enquiry into the conduct of suspected officer. It is the choice of the Superintendent of Police. This is a case of demand of bribe. An FIR has been registered and the petitioner has been arrested. Registration of FIR and thereafter arrest of the petitioner indicate that some enquiry though indirect has already been conducted. The petitioner has been issued charge-sheet and Enquiry Officer



has been appointed. The petitioner would get full opportunity to put-forth his stand. There is no substance in the legal objections raised by the petitioner.

7. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

04.08.2025
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No