

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 27.05.2025

CWP No.25411 of 2022 (O&M)

Dheeraj Kumar

....Petitioner

vs.

State of Haryana and others

....Respondents

CWP No.25412 of 2022 (O&M)

Mandeep

....Petitioner

vs.

State of Haryana and others

....Respondents

CWP No.1391 of 2023(O&M)

Krishan Kumar

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON’BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. R.S.Chahal, Advocate
for the petitioner(s)

Ms. Palika Monga, DAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP No. 25411 of 2022, CWP No.
25412 of 2022 and CWP No.1391 of 2023 are hereby adjudicated as



common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP No. 25411 of 2022.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of:

I. Order dated 12.09.2016 (Annexure P-3) whereby he was dismissed from service.

II. Orders dated 02.05.2017 (Annexure P-4) and dated 17.10.2022 (Annexure P-7) whereby his appeal and revision respectively were dismissed.

3. The petitioner joined Haryana Police Force as Constable on 27.08.2004. He was promoted as Head Constable in 2013. He came to be implicated in FIR No. 524 dated 04.09.2016, under Sections 217, 221, 120-B of IPC read with 7, 8 and 13(2) of Prevention of Corruption Act, 1988 and Section 21(b)/27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Fatehabad, District Fatehabad. The respondent without conducting enquiry dismissed him from service in the wake of aforesaid FIR. The police after completing investigation filed its report before Trial Court. The charges came to be framed against him. The Trial Court vide judgment dated 06.04.2022 acquitted him.

4. Mr. Atul Lakhanpal, Senior Advocate submits that as petitioner stands acquitted, thus, the respondent is duty bound to reconsider him in terms of Rule 16.3 of the Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short “PPR”).



5. Ms. Palika Monga, DAG, Haryana submits that petitioner has not been honourably acquitted whereas he has been granted benefit of doubt, thus, he cannot claim benefit of Rule 16.3 of PPR.

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

7. Rule 16.3 of PPR provides that when a Police Officer has been tried and acquitted by a criminal Court, he shall not be punished departmentally on the same charge or on a different charge upon the evidence cited in criminal case whether actually led or not. In the said Rule, exceptions are carved out which includes acquittal on technical grounds or where prosecution witnesses have been won over. For the ready reference, Rule 16.3 of PPR is reproduced as below:-

“Action following on a judicial acquittal. - (1) When a Police Officer has been tried and acquitted by a 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, 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.



(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.”

8. 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.

9. In the case in hand, petitioner was acquitted. The department could keep its action in abeyance till conclusion of the criminal proceedings, however, department as per its wisdom found it appropriate to take action without concluding enquiry and without waiting for the outcome of criminal proceedings. As department had taken action without waiting outcome of criminal proceedings and the petitioner stands acquitted by Trial Court, the matter needs to be reconsidered in terms of Rule 16.3 of PPR.

10. In the wake of above discussion and quoted Rules, this Court finds it appropriate to remand the matter to respondent to re-consider case of the petitioner in terms of Rule 16.3 of PPR. It is made clear that fresh order in terms of Rule 16.3 of PPR shall be passed within four months from today,

failing which the petitioner shall be deemed to be reinstated.

11. Petitions stand disposed of in the above terms.
12. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

27.05.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	