



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

**CWP No. 26532 of 2025
Date of Decision:04.11.2025**

HC Sartaj Singh

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. R.K.Arora, Senior Advocate with
Mr. Jugam Arora, Advocate
for the petitioner

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. On 08.09.2025, the following order was passed by this Court:-

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

a. Order dated 10.01.2024 (Annexure P-6) whereby petitioner was dismissed from service;

b. Order dated 27.01.2025 (Annexure P-9) whereby appeal against dismissal order was declined;

c. Order dated 03.06.2025 (Annexure P-11) whereby revision petition was dismissed.



2. *The petitioner joined Punjab Police as Constable on 31.03.1996. He was implicated in FIR No.168 dated 24.04.2003 under Section 7/12/13 of PC Act, 1988 at Police Station Division No.6, Ludhiana. In the said FIR, 14 Police Officers were implicated. The petitioner was placed under suspension vide order dated 27.04.2003. He was reinstated on 25.07.2003. The Disciplinary Authority issued him a show cause notice dated 17.11.2020 calling upon to show cause as to why he should not be dismissed from service. He filed reply to said notice. He was awarded punishment of forfeiture of one increment with permanent effect vide order dated 25.04.2022. Learned trial Court vide judgment dated 13.10.2023 declared him guilty along with 12 other Police Officials and awarded sentence of five years. He preferred CRA-S-3162-2023 before this Court along with application seeking suspension of sentence. Despite first punishment of forfeiture of service, he was awarded punishment of dismissal from service vide order dated 10.01.2024. He filed an appeal before Inspector General of Police, Ludhiana Range, Ludhiana. He preferred CWP No.33506 of 2024 before this Court which was disposed of with a direction to Appellate Authority to decide his appeal within three months. The Appellate Authority dismissed his appeal vide order dated 27.01.2025. He preferred revision before Director General of Police, Punjab who dismissed the same vide order dated 03.06.2025.*

3. *Learned counsel for the petitioner submits that respondent has reinstated and permitted to retire co-accused. The petitioner on the ground on parity is entitled to benefit of reinstatement.*

4. *From the afore-stated facts, it is evident that petitioner was convicted by trial Court under PC Act and has been awarded sentence of five years' imprisonment. He has*



preferred an appeal before this Court wherein sentence has been suspended, however, conviction has not been stayed.

5. *This Court while disposing of CWP-28436-2018 vide judgment dated 16.02.2024 made following observations:-*

“25. In the case in hand, the petitioner was concededly convicted and finally sentenced to imprisonment of 5 years. The petitioner had undergone the said sentence. If the petitioner, on the ground of parity is reinstated, it would be in violation of mandate of Sub-Rule (2) of Rule 16.2 of 1934 Rules. This Court, on the ground of parity, cannot ask the respondents to violate the mandate of law. The language of Sub-Rule(2) of Rule 16.2 is unambiguous. Its even simple and literal meaning enjoin that as soon as an officer is convicted and awarded sentence, he cannot be retained in the force. There seems object of the said Rule. The police force is meant to maintain law and order. It commands respect. If an officer who has been convicted and sentenced is retained in service, it would tarnish image of the force and shake faith of the public at large.

26. This Court in CWP No.21796 of 2020 titled as Amarjit Singh v. State of Punjab and others has adverted with a similar issue. In the said writ petition, the same set of arguments were raised. The petitioner therein had placed on record examples of various police officers who had been reinstated or compulsorily retired despite their conviction and sentence. It appears that respondents are passing orders of reinstatement or compulsorily retirement in violation of mandate of 1934 Rules. There is need to re-look into the matter. The authorities, in future, are expected to take care of Sub-Rule(2) of Rule 16.2 of the 1934 Rules while adverting with question of dismissal



or reinstatement or compulsory retirement of an officer who has been convicted and awarded sentence.”

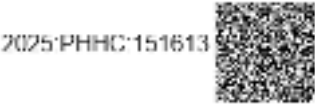
6. *As per proviso to Rule 16.2(2) of Punjab Police Rules, 1934 (in short ‘PPR’), punishing authority may, in an exceptional case involving manifestly extenuating circumstances for reasons to be recorded and with the prior approval of next higher authority, impose any punishment other than that of dismissal. In the case in hand, co-accused of the petitioner were convicted under PC Act and awarded imprisonment of five years still they have been awarded punishment other than dismissal from service. They could be awarded lesser punishment in case of acquittal by Appellate Court, however, despite of conviction in force have been reinstated.*

7. *Let affidavit of Commissioner of Police, Ludhiana be filed explaining ground of reinstatement of police officers despite their conviction under PC Act and sentence of five years. He will also clarify whether sentence of five years under PC Act can be covered under proviso to Rule 16.2(2) of PPR.”*

2. The aforesaid order was followed by order dated 25.09.2025 which reads as:-

“Affidavit dated 24.09.2025 of Mr. Swapan Sharma, IPS, Commissioner of Police, Ludhiana, District Ludhiana is taken on record. Registry is directed to tag the same at appropriate place.

A perusal of affidavit reveals that there are many officials who have not been subjected to departmental punishment in terms of Rule 16.2(2) of Punjab Police Rules, 1934 (for short ‘PPR’) despite judgment of conviction dated 13.10.2023 passed by Trial Court.



The mandate of Rule 16.2 (2) of PPR is quite clear. Proviso is also not flowing without boundaries. It is flowing within the banks of river. The authorities are not carrying unbridled, unguided discretion while exercising power under proviso to said Rule. It appears from the affidavit that authorities as per their convenience have either not taken action against the erring officials or minor punishment has been awarded.

Director General of Police, Punjab is hereby directed to file affidavit clarifying his stand qua Rule 16.2(2) of PPR.

Adjourned to 13.10.2025.

In the meantime, the respondent would be at liberty to take curative measures.”

- 3. The respondent filed affidavit deposing that competent authority has taken curative steps as per judgments of this Court.
- 4. Faced with this, learned Senior Counsel for the petitioner submits that he may be permitted to withdraw the instant petition, at this stage, with liberty to avail remedies as admissible by law, the moment appeal filed by petitioner is adjudicated.
- 5. Dismissed as withdrawn with aforesaid liberty.

(JAGMOHAN BANSAL)
JUDGE

04.11.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	