

CWP-28346-2025

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

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CWP-28346-2025

Date of Decision: 22.09.2025

Gulshan Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Raj Kumar Rana, Advocate for the petitioner

Mr. Ashok Kumar Khubbar,
Additional Advocate General, Haryana

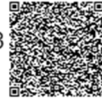
JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to keep the departmental proceedings in abeyance till the conclusion of trial arising out of FIR No.2 dated 27.01.2025 under Section 7 of Prevention of Corruption Act, 1988, registered at Police Station Anti-Corruption Bureau, Ambala.

2. This is second round of litigation. On the earlier occasion, petitioner filed *CWP No.5274 of 2025* which was disposed of vide order dated 25.02.2025. The said order being a short order is reproduced in *toto* as below: -

“1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to keep departmental proceedings in abeyance till the conclusion of criminal proceedings emanating out of FIR No.02 dated 27.01.2025, under Section 7 of Prevention of Corruption Act, 1988 registered at ACB, Ambala (Annexure P-1).

2. Mr. R.K. Rana, Advocate for the petitioner submits that respondents may be directed not to proceed with departmental



proceeding till the filing of police report under Section 193 of BNSS.

3. *Ms. Rajni Gupta, Addl. AG, Haryana concedes that this Court in similar cases has directed to keep the departmental proceedings in abeyance till the filing of police report.*

4. *Learned counsel for the petitioner agrees with aforesaid statement.*

5. *In the wake of statement of both sides, the present petition stands disposed of with a direction to respondent to keep departmental proceedings in abeyance till the date of filing of police report in aforesaid FIR.”*

3. Learned counsel for the petitioner submits that case of the petitioner is squarely covered by judgment of Supreme Court in ***Capt. M. Paul Anthony v. Bharat Gold Mines Limited, 1999(3) SCC 679***. The foundation of trial as well as departmental proceedings is same, thus, unless and until petitioner is found guilty, he should not be departmentally punished.

4. *Per contra*, Mr. Ashok Kumar Khubbar, Additional Advocate General, Haryana who on advance notice is present in Court on behalf of respondent-State, submits that a Coordinate Bench of this Court after noticing judgment of Supreme Court in ***Capt. M. Paul Anthony's (supra)*** has dismissed a bunch of petitions including ***CWP No.15845 of 2023, Tulsi Dass v. State of Haryana and others***. The aggrieved officials preferred Intra-Court Appeals including ***LPA No.1255 of 2024*** and ***LPA No.1146 of 2024***. The Intra-Court Appeals stand dismissed vide judgment dated 22.05.2024 and 08.05.2024. Challan stands presented against the petitioner.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.



6. It is undisputed fact that a Co-ordinate Bench of this Court has dismissed a bunch of petitions involving identical facts and issues. The judgment passed by a Co-ordinate Bench stands upheld by a Division Bench of this Court.

7. In the wake of judgment dated 22.05.2024 passed by Division Bench of this Court in *LPA No.1255 of 2024, Tulsi Dass v. State of Haryana and others* and judgment dated 08.05.2024 passed in *LPA No.1146 of 2024 ASI Pawan Kumar v. State of Haryana and others*, it can be concluded that respondent cannot travel beyond the police report, thus, no prejudice is going to be caused to the petitioner, if he leads his defence in departmental proceedings. There is no substance in the apprehension expressed by the petitioner.

8. In the backdrop, this Court is of the considered opinion that present petitions deserve to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

22.09.2025
Mohit Kumar

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