



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

\*\*\*\*

**CWP-14115-2018**

**Date of Decision: 11.11.2025**

Satbir

...Petitioner

Versus

State of Haryana and Others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Ms. Sharmila Sharma, Advocate  
for the petitioner.

Mr. Ravi Partap Singh, DAG, Haryana.

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 04.01.2017, 20.04.2017 and 13.07.2017 whereby he was dismissed from service.

2. The petitioner joined Haryana Police Force as Constable on 20.03.1988. In 2016, he was holding rank of Assistant Sub Inspector (ASI). He was implicated in FIR No.167 dated 07.04.2016 registered under Sections 20 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar, Bahadurgarh along with Jagmal and Narender. Co-accused were also Police Officials. The respondent on one hand initiated departmental proceedings and on the other hand, filed final report before trial Court. The petitioner was found innocent by Inquiry Officer, however, Disciplinary Authority served disagreement note and ordered to dismiss him from service. It is apt to notice here that petitioner

was dismissed from service, however, co-accused Jagmal was not dismissed from service. There was allegation against petitioner and Jagmal that they have supplied Charas to co-accused Narender who was a drug addict. The petitioner preferred an appeal against order of dismissal which came to be dismissed by Appellate Authority. He further preferred revision which also came to be dismissed by Director General of Police (DGP). Trial Court vide judgment dated 04.11.2016 acquitted him in aforesaid FIR.

3. Learned counsel representing the petitioner submits that petitioner and Jagmal were on the same footing. There were same set of allegations against them still Jagmal was reinstated and petitioner was dismissed from service. Inquiry Officer did not find him guilty and trial Court has acquitted him.

4. *Per contra*, learned State counsel submits that petitioner in his statement confessed alleged offence. Recovery was effected from co-accused Narender. There was no *mala fide* intention of any Officer. The Disciplinary Authority found inquiry report contrary to evidence on record, thus, petitioner was issued disagreement note which was followed by order of dismissal from service.

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

6. From the perusal of record, it is evident that petitioner was having 28 years' service to his credit on the date of passing impugned order. He was entitled to pension. The Inquiry Officer found him innocent. The trial Court also did not find him guilty. He was acquitted by trial Court because prosecution failed to prove its case. The Authorities

while passing order under Rule 16.2 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR') were bound to consider length of service and entitlement of petitioner to pension. The Authorities while passing impugned orders did not consider said aspect. As per Rule 16.3 of PPR, a person cannot be departmentally punished if he is acquitted by trial Court.

7. This Court has adverted to Scope of Rule 16.2 and 16.3 of PPR in ***"Bala Singh Vs. State of Haryana and Ors."*** CWP-18777-2023 decided on 02.04.2025. It has been held that authorities are duty bound to reconsider departmental punishment in case of acquittal of delinquent in criminal proceedings. The relevant extracts of aforesaid judgment read as:-

*"7. Sub-Rule (2) of Rule 16.2 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short PPR) provides that an enrolled police officer sentenced judicially to rigorous imprisonment exceeding one month unless sentence is quashed on appeal or revision, be dismissed from service. The Rule further provides that final departmental order in such cases shall be postponed till the appeal or revision proceedings have been decided or until the period allotted for filing appeal has elapsed and appeal/revision is not instituted.*

*8. Rule 16.2 of PPR for the ready reference is reproduced as below:*

*" 16.2. Dismissal. (1) Dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect or continued misconduct proving Incurability and complete unfitness for police service. In making such an award regard shall be had to the length of service of the offender and his claim to pension.*

*Explanation.- For the purposes of sub-rule (1), the following shall, inter alia, be regarded as gravest acts*

*of misconduct in respect of a police officer, facing disciplinary action:*

- (i) indulging in spying or smuggling activities;*
- (ii) disrupting the means of transport or of communication;*
- (iii) damaging public property;*
- (iv) causing indiscipline amongst fellow policemen;*
- (v) promoting feeling of enmity or hatred between different classes of citizens of India on grounds of religion, race, caste, community or language;*
- (vi) going on strike or mass casual leave or resorting to mass abstentions;*
- (vii) spreading disaffection against the Government;*  
*and*
- (viii) causing riots and the like.*

*(2) An enrolled police officer sentenced judicially to rigorous imprisonment exceeding one month or to any other punishment not less severe, shall, if such sentence is not quashed on appeal or revision, be dismissed. An enrolled police officer sentenced by a criminal court to a punishment of fine or simple imprisonment, or both, or to rigorous imprisonment not exceeding one month, or who, having been proclaimed under Section 87 of the Code of Criminal Procedure fails to appear within the statutory period of thirty days may be dismissed or otherwise dealt with at the discretion of the officer empowered to appoint him. Final departmental orders in such cases shall be postponed until the appeal or revision proceedings have been decided, or until the period allowed for filing an appeal has lapsed without appellate or revisionary proceedings having been instituted. Departmental punishments under this rule shall be awarded in accordance with the powers conferred by rule 16/1.*

*(3) When a police officer is convicted judicially and dismissed, or dismissed as a result of a departmental*

*inquiry, in consequence of corrupt practices, the conviction and dismissal and its cause shall be published in the Police Gazette. In other cases of dismissal when it is desired to ensure that the officer dismissed shall not be re-employed elsewhere, a full description roll, with particulars of the punishments, shall be sent for publication in the Police Gazette.”*

*9. Rule 16.3 of PPR provides that if a police officer is acquitted by 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. Rule 16.3 of PPR is reproduced as below:*

***“16.3. Action following on a judicial acquittal. - (1)***

*When a Police Officer has been tried and acquitted by a criminal court he shall be 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 Neutral 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.”*

10. *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.*

11. *As per proviso to sub-rule (2) of Rule 16.2 of PPR (as applicable to State of Punjab), it is quite evident that in case of setting aside of conviction, the officer empowered to appoint is duty bound to review case of the police officer. Rule 16.2(2) of PPR as applicable to Punjab is reproduced as under:-*

*“(2) If the conduct of an enrolled police officer leads to his conviction on a criminal charge and he is sentenced to imprisonment, he shall be dismissed :*

*Provided that a punishing authority may, in an exceptional case involving manifestly extenuating circumstances for reasons to be recorded and with the prior approval of the next higher authority impose any punishment other than that of dismissal :*

*Provided further that in case the conviction of an enrolled police officer is set aside in appeal or revision, the officer empowered to appoint him shall review his case keeping in view the instructions issued by the Government from time to time in this behalf.*

*[Emphasis supplied].*

12. *As per Rule 16.3(2) as applicable to State of Haryana, a Police Officer shall not be dismissed if his sentence is quashed on appeal or revision. The Rule further provides that final departmental orders shall be postponed until the appeal or revision proceedings have*

*been decided or until the period allotted for filing an appeal has lapsed without appellate or revisionary proceedings having been instituted.*

*In the case in hand, petitioner was convicted, thus, he was liable to be dismissed from service, however, his conviction stands set aside by this Court. The department could keep its proceedings in abeyance till conclusion of the criminal proceedings, however, department as per its wisdom found it appropriate to conclude department proceedings without waiting for the outcome of criminal proceedings. As department has concluded proceedings without waiting outcome of criminal proceedings and the petitioner stands acquitted by this Court, the matter needs to be reconsidered in terms of Rule 16.3 of PPR.*

*13. In the wake of above discussion and quoted rules, this Court finds it appropriate to remand the matter to disciplinary authority to reconsider the case of the petitioner in the light of judgment of acquittal passed by this Court as well as Rule 16.2 read with Rule 16.3 of PPR. The needful shall be done within six months from today.”*

8. As per Rule 16.2 read with 16.3 of PPR, the authorities were bound to reconsider case of petitioner in view of his acquittal in criminal case. The authorities could reject his claim on the grounds enumerated in clauses (a) to (e) of Rule 16.3(1) of PPR. Acceptance or rejection of claim is one aspect and existence of power is another aspect. In view of Rule 16.3, the departmental authorities are empowered to reconsider case of an officer in case of acquittal. Despite acquittal, departmental punishment may be upheld, however, it cannot be concluded that authorities do not possess power to re-consider departmental punishment after acquittal in criminal case.

9. In the light of aforestated facts and legal position, this Court finds that punishment of dismissal needs to be reconsidered. Accordingly, matter is remanded back to Disciplinary Authority to pass fresh order. The Disciplinary Authority shall grant opportunity of hearing to petitioner before passing fresh order.
10. Let the needful be done within six months from today.
11. ***Disposed of.***

(JAGMOHAN BANSAL)  
JUDGE

11.11.2025  
*Prince Chawla*

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |