

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

2025 PHHC:170328



**CWP No. 29689 of 2025
Date of Decision:08.12.2025**

Sukhwinder Singh

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rakesh Nagpal, Advocate
for the petitioner

Mr. Ashok Kumar Khubbar, Addl. A.G., 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 order dated 15.09.2025 (Annexure P-10) whereby he has been denied promotion to the post of Sub Inspector on the ground of pending FIR.

2. The petitioner joined Haryana Police Force as Constable on 27.09.1994. He was promoted as Head Constable on 20.10.2007. He was further promoted as ASI on 29.03.2016. He came to be implicated in FIR No. 114 dated 04.03.2019, under Sections 4, 5 and 6 of Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and Sections 120-B, 34 and 406 of IPC, registered at Police Station City Fatehabad. He originally belonged to BCA Category, however, his caste has been declared as

Scheduled Caste. He is at Sr. No.2 in promotion list. The respondent has



promoted 147 Assistant Sub Inspectors in August' 2024. He filed representation dated 15.09.2025 claiming promotion. The respondent has rejected his claim on the ground that FIR is still pending against him and next date of hearing is 17.09.2025.

3. Mr. Rakesh Nagpal, Advocate submits that Investigating Officer has not found petitioner guilty of alleged offence. Final report has been filed qua other accused. Application under Section 319 Cr.P.C./358 BNNS filed by complainant stands dismissed. A Division Bench of this Court vide order dated 27.08.2025 passed in **CWP No. 16553 of 2024**, titled as '**Jaspreet Singh vs. Union of India and others**' has held that promotion cannot be denied on the ground of pendency of FIR unless charges are framed. In the case of petitioner, leaving aside charge sheet, the police has not filed final report alleging commission of offence.

4. Mr. Ashok Kumar Khubbar, Addl. A.G., Haryana submits that it is factually correct that petitioner's name was recorded in Column No. 2 of the Police Report. Application filed under Section 319 Cr.P.C. stands dismissed. CRR No.86 of 2025 assailing order passed under Section 319 Cr.P.C. has been filed before Additional Sessions Judge, Fatehabad which is still pending.

5. From the perusal of record and arguments of both sides, it is evident that as on date, petitioner is not facing any trial. His name was recorded in Column No. 2 of the Police Report and application filed under Section 319 Cr.P.C. seeking to summon him as additional accused stands dismissed. Case of petitioner is covered by aforesaid judgment of this

Court.



6. In the wake of above stated factual and legal position, this Court finds it appropriate to direct the respondent to consider petitioner for promotion. Let the needful be done within three months from today.
7. As conceded by petitioner, the promotion would be subject to outcome of the afore-stated criminal proceedings.
8. Petition stands disposed of accordingly.

(JAGMOHAN BANSAL)
JUDGE

08.12.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No