

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

310 (7 cases)

CWP-34662-2024
Date of Decision: 11.02.2025

Sunil Dutt

...Petitioner

Versus

State of Haryana and others

...Respondents

With

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-30505-2024	Satbir	State of Haryana and others
3.	CWP-20508-2023	Jaspal Singh	State of Haryana and others
4.	CWP-32487-2024	Angrej Singh	State of Haryana and others
5.	CWP-31606-2024	Vijay Kumar	State of Haryana and others
6.	CWP-31997-2024	Dinesh Kumar	State of Haryana and others
7.	CWP-31122-2024	Tridev	State of Haryana and others

Present: - Mr. Arjun Singh, Advocate and
 Mr. Harjit Yadav, Advocate for the petitioner
 (in CWP-34662-2024)

 Mr. Keshav Pratap Singh, Advocate and
 Mr. Tarun Hooda, Advocate for the petitioner
 (in CWP-30505-2024)

 Mr. Ajit Singh Lamba, Advocate and
 Mr. Yashdeep Nain, Advocate for the petitioner
 (in CWP-31997-2024)

 Mr. Ankur Lal, Advocate,
 Ms. Kavita, Advocate and
 Mr. Himanshu Singh, Advocate for the petitioner
 (in CWP-20508-2023 & CWP-31122-2024)

 Mr. Vishal Garg Narwana, Advocate
 Ms. Arishdeep Mraad, Advocate,
 Mr. Khushwant Saharan, Advocate,
 Mr. Nitin Bansal, Advocate,
 Ms. Deepika Chaudhary, Advocate and
 Mr. Minku Sangwan, Advocate for the petitioner
 (in CWP-31606-2024 & CWP-32487-2024)

 Ms. Dimple Jain, Deputy Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP-34662-2024*.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 18.04.2024 (Annexure P-2) whereby departmental inquiry has been initiated against him.

3. Learned counsel for the petitioner submits that petitioner was falsely implicated in FIR No.14 dated 15.04.2024 under Section 384 of Indian Penal Code, 1860 and Section 7 of Prevention of Corruption Act, 1988 registered at Police Station ACB Gurugram District Anti-Corruption Bureau, Haryana. On the basis of FIR, the department has initiated departmental inquiry. The petitioner has been placed under suspension. The foundation of departmental inquiry is FIR and there are common witnesses in the departmental inquiry as well as criminal proceedings pending before the Trial Court. The examination of witnesses before the Inquiry Officer would deeply prejudice interest of the petitioner and his stand would be disclosed. His case is squarely covered by judgment of Supreme Court in ***Capt. M. Paul Anthony v. Bharat Gold Mines Limited, 1999(3) SCC 679***.

4. *Per contra*, learned State counsel submits that police after investigation has already filed challan. The statements of witnesses stand recorded. The prosecution cannot travel beyond the challan. During departmental proceedings, four witnesses have already been examined and there are four common witnesses which are yet to be examined. She further

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.

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

11.02.2025
Mohit Kumar

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