CGHC010279362026 2026:CGHC:43442

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5682 of 2026

Phoolchand Bhagat S/o Late Asam Ram Bhagat Aged About 59 Years R/o Village Domogaon, Sejbahar, P.S. Mujgahan, Raipur Chhattisgarh

Petitioner(s)

RAHUL JHA Digitally signed by RAHUL JHA Date: 2026.10.08 10:41:30 +0530

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Home/ Police, Mahanadi Bhawan, Mantralaya, Police Station And Post - Rakhi, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh

2 - Inspector General Of Police (I G P) Office Of Inspector General Of Police, Raipur Range, Distt. Raipur Chhattisgarh

3 - Police Commissioner Raipur Office Of Police Commissionerate Raipur, Distt. Raipur Chhattisgarh

4 - Enquiry Officer/ Additional Police Deputy Commissioner Crime And Cyber, Commissionerate Raipur, Distt. Raipur Chhattisgarh

5 - Reserve Inspector Reserve Police Line, Police Commissionerate Raipur, Byron Bazar, Raipur, Chhattisgarh

Respondent(s)

(Cause-title taken from CIS)

For Petitioner(s)	**:**	Mr. Aiswhwarya Diwan, Advocate
For Respondent(s)	**:**	Mr. Shahil Singh, PL

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

07/10/2026

1. By way of the instant Writ Petition under Article 226 of the Constitution of India, the petitioner has called in question the impugned order/letter/charge-sheet dated 20.04.2026 (Annexure-P/1), letter dated 04.06.2026 (Annexure-P/2), letter dated 16.06.2026 (Annexure-P/3) and letter dated 24.06.2026 (Annexure-P/4).

2. Learned counsel appearing for the petitioner submits that the petitioner is serving as Assistant Sub-Inspector in the Police Department and that, in connection with the incident in question, Crime No.62/2025 came to be registered against the petitioner and other accused persons for the offences punishable under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023 and the Chhattisgarh Tonhi Pratadna Adhiniyam. It is submitted that the said criminal case is presently pending before the competent criminal Court. Learned counsel for the petitioner further submits that, arising out of the very same incident and substantially on the same set of allegations, the respondents have initiated departmental proceedings against the petitioner vide order/charge-sheet dated 20.04.2026. It is contended that the charges levelled against the petitioner in the departmental proceedings and the allegations forming the subject matter of the criminal prosecution substantially overlap and that several of the witnesses proposed to be examined in the departmental proceedings are also witnesses in the pending criminal case. Learned counsel for the petitioner submits that if the departmental enquiry is permitted to proceed simultaneously with the criminal trial, particularly when the same witnesses and evidence are involved, the petitioner would be required to disclose his defence in the departmental proceedings before the same evidence

is tested by the criminal Court. According to learned counsel, such simultaneous continuation would cause serious prejudice to the petitioner in defending the criminal case.

3. Learned State counsel also submits that the charges levelled against the petitioner in the departmental inquiry and the charges forming the subject matter of the criminal trial arise out of the same set of facts and involve common witnesses.

4. I have heard learned counsel for the parties and perused the pleadings as well as the documents annexed with the petition.

5. It is not in dispute that there is no absolute bar in law against simultaneous continuation of departmental proceedings and criminal proceedings. However, where both the proceedings are based on the same set of facts and involve common witnesses, the possibility of prejudice to the defence of the petitioner in the criminal trial cannot be ruled out.

6. In the present case, since the charges in the departmental inquiry and the criminal trial arise out of the same set of facts and involve common witnesses, this Court is of the view that it would be appropriate to keep the departmental proceedings in abeyance during the pendency of the criminal trial, so as to avoid any possible prejudice to the petitioner in defending the criminal case.

7. In view of the aforesaid submissions and without entering into the merits of the controversy, the instant Writ Petition is disposed of at this stage with a direction that the departmental inquiry initiated against the petitioner pursuant to the impugned order/charge-sheet dated 20.04.2026 and consequential proceedings shall remain kept in abeyance till the conclusion of the criminal trial pending against the petitioner.

8. It is, however, made clear that this Court has not expressed any opinion on the merits of the allegations levelled against the petitioner. It is further made clear that the respondents shall be at liberty to take appropriate steps for expeditious disposal of the criminal trial pending against the petitioner.

9. With the aforesaid observations and directions, the instant Writ Petition stands disposed of.

Sd/-

(BIBHU DATTA GURU)
JUDGE

Rahul