

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221 Reserved on : 19.02.2026
Pronounced on : 05.03.2026

1. CWP-420-2021 (O&M)

TEJINDER SINGH ...Petitioner
Versus

THE STATE OF PUNJAB AND OTHERS ...Respondents

And

2. CWP-33592-2024

TEJINDER SINGH ...Petitioner
Versus

THE STATE OF PUNJAB AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Karanvir Singh Khehar, Advocate
For the petitioner (in *CWP-420-2021*)

Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, Advocate and
Mr. Kanishk Swaroop, Advocate
for the petitioner (in *CWP-33592-2024*)

Mr. Swapan Shorey, D.A.G., Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order the instant petitions are disposed of since issues involved in the captioned petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from **CWP-420-2021**.

2. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of chargesheet dated 02.09.2015, inquiry report dated 07.03.2018 and order dated 01.12.2020

whereby respondent has imposed penalty of reduction in rank.

3. The petitioner joined Punjab Police on 31.01.1990. He was promoted from time to time and in 2015 was holding rank of Deputy Superintendent of Police (Local Rank). He registered and investigated FIR No.68 dated 12.08.2011 under Sections 8, 9 & 13 of Prevention of Corruption Act, 1988 (for short 'P.C. Act'). In the said FIR, he arrested two persons namely Jagtar Singh S/o Sadhu Singh and Tara Singh S/o Malkiat Singh. Tara Singh during the course of trial brought in the knowledge of trial Court that he lodged complaint before Vigilance Bureau against SHO Tejinder Singh (petitioner herein) alleging demand of Rs.20,000/- for giving favourable report in a complaint. He approached Vigilance Bureau and the DSP (Vigilance Bureau) planned to conduct raid on 11.08.2011. A team of Vigilance Bureau along with him visited Police Station Sherpur on 11.08.2011 and 12.08.2011, however, Tejinder Singh SHO could not be trapped because SI Ishar Singh who was posted in Vigilance Bureau leaked information to Tejinder Singh SHO. He filed complaint against SI Ishar Singh to Director (Vigilance Bureau), Chandigarh for leaking secret information. Inspector Tejinder Singh in connivance with Devinder Singh and Kuldeep Singh entangled them in FIR dated 12.08.2011.

4. The trial Court examined all the witnesses and came to a conclusion that Inspector Tejinder Singh has falsely implicated Tara Singh and Jagtar Singh. The trial Court further found that DSP Balwinder Singh forged entries of logbook of his official vehicle in order to obliterate evidence regarding his visit to Police Station Sherpur on 11.08.2011 and 12.08.2011. Relevant extracts of the judgment dated 05.06.2013 read as:-

“19. Accused has led defence evidence on record to show that accused Tara Singh approached the officials of Vigilance Bureau for taking action against Inspector Tejinder Singh and attempt was made on 11.8.2011 and 12.8.2011 to trap Inspector Tejinder Singh but the trap could not succeed as information was leaked from the office of Vigilance Bureau. K.D. Sharma, DSP, Vigilance Bureau, FS-II conducted inquiry into the allegations of leakage of information. He proved his inquiry report Ex.DW22/A. As per the report DW22/A DSP concluded that one application against accused Tara Singh was pending with SHO Sherpur. Inspector Tejinder Singh demanded illegal gratification for deciding the application in favour of Tara Singh. Tara Singh approached DSP Vigilance Bureau, Sangrur to trap SHO. DSP Vigilance Bureau, Sangrur attempted to trap the SHO but due to faulty planning or for some other reason trap could not succeed and SHO came to know about that Tara Singh had attempted to got him trapped. At this Inspector Tejinder Singh got a false case FIR no.68 of 12.8.2011, P.S. Sherpur registered. It is further concluded that in the complaint SHO has alleged that Jagtar Singh came to bribe him at 5:16 PM which is result of anti timing and anti dating.

20. The officials of Vigilance Bureau, Sangrur tried to help the prosecution. They had gone to such an extent that they altered the log book of Balwinder Singh DSP of 11.8.2011 and 12.8.2011. HC Ranjit Singh, who was driver of Balwinder Singh DSP Vigilance Unit, Sangrur has proved log book entries of official vehicle no.PB-12C/5213 which was with DSP Vigilance Bureau, Sangrur. The log book entries are Ex.D20/A and Ex.D20/B and as per these log book entries on 11.8.2011 DSP Balwinder Singh along with Reader Basant Singh, SI Ishar Singh and other police officials and accused Tara Singh went towards Dhuri, Katron, Sherpur and on 12.8.2011 police party went towards Sherpur at 8:35 AM and returned back at 3.30 PM.

HC Ranjit Singh further proved on record photo stat copy of log book entries of 11/12.8.2011 which are Ex.D2/C and Ex.D20/D and as per the entry Ex.D20/C DSP Balwinder Singh and other officials went towards Malerkotla on 11.8.2011 and on 12.8.2011 towards Lehra. HC Ranjit Singh further deposed that entries Ex.D20/C and Ex.D20/D were made at the instance of DSP Balwinder Singh. He admitted that these entries were changed at the instance of DSP Balwinder Singh after 15-20 days. DSP Balwinder Singh also admitted the log book entries Ex.D20/A and Ex.D20/B but he did not admit to his getting changed the log book entries. Later on when log book entries Ex.D20/C and Ex.D20/D were shown to him he admitted his signatures over the same and deposed that page in the log book was changed by the custodian. These pages are 45 and 46. He does not know when the same were changed by the custodian. He does not know whether log book was page marked during his period. So he has also admitted that log book entries were changed. These log book entries of 11.8.2011 and 12.8.2011 were changed by DSP Balwinder Singh of Vigilance Bureau, Sangrur in order to eliminate the evidence of any planned trap of Inspector Tejinder Singh on 11.8.2011 and 12.8.2011 at the instance of complainant Tara Singh who was later on implicated in this case by Inspector Tejinder Singh for offering him bribe of Rs.10,000/-. Entries cannot be changed without the knowledge of DSP Balwinder Singh as he signed these entries and these entries are on pages inserted in log book. So role of DSP Balwinder Singh is also not above suspicion.

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24. *Arrest of accused Tara Singh in the manner shown by the prosecution is also doubtful as Inspector Tejinder Singh PW2 deposed that he was going to produce Jagtar Singh accused in the Court where Jagtar Singh disclosed that accused Tara Singh is present at bus stand of village Katron and there after DSP was called on the spot who arrested accused Tara Singh. Whereas DSP Kuldeep Sharma, who appeared as PW7 has deposed in cross*

examination that Tara Singh was already apprehended by Inspector Tejinder Singh on the way while they were going to the Court for producing the accused Jagtar Singh at Dhuri and intimation qua apprehension of accused Tara Singh was furnished to me at that time. Both the witnesses are contradicting each other regarding manner of arrest of Tara Singh. Inspector Tejinder Singh has deposed that he passed on the information received from accused Jagtar Singh about the presence of Tara Singh at bus stand, Katron to DSP Kuldeep Sharma and DSP Kuldeep Sharma arrested the accused. Whereas DSP Kuldeep Sharma has deposed that Tara Singh was apprehended by Inspector Tejinder Singh. Another factor which makes the case of prosecution doubtful is that how Jagtar Singh accused who is in police custody since 12.8.2011 could have known about the presence of accused Tara Singh at bus stand, Katron on 16.8.2011. So the story of prosecution that accused Tara Singh was arrested on 16.8.2011 on the information of accused Jagtar Singh is also doubtful.

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26. Copy of this judgment be sent to the Senior Superintendent of Police, Sangrur to explore the possibility of initiating criminal proceedings against Inspector Tejinder Singh for falsely implicating the accused in this case by forging documents and fabricating evidence and DSP Balwinder Singh, who has forged the entries of log book of his official vehicle in order to obliterate evidence regarding his visit to P.S. Sherpur on 11.8.2011 and 12.8.2011.”

5. On the basis of the aforesaid judgment, Tara Singh approached Magistrate under Section 156 Cr.P.C. seeking registration of FIR against the petitioner because SSP was not discharging his duty as per orders of trial Court. Chief Judicial Magistrate, Sangrur (for short ‘CJM’). vide order dated 22.03.2014 directed Police to register FIR against the petitioner. Consequently, the respondent registered FIR No.116 dated

13.04.2014 under Sections 167, 467, 468, 471, 201 & 120-B IPC against the petitioner.

6. The petitioner preferred Criminal Revision No.06 of 2014 before learned Additional Sessions Judge, Sangrur (for short 'ASJ') assailing order dated 22.03.2014 passed by CJM, however, the same was dismissed vide order dated 08.09.2016. He thereafter preferred CRM-M-2860-2017 before this Court assailing order passed by CJM and ASJ. He further preferred CRM-A-648-MA-2017 before this Court assailing judgment dated 05.06.2013 passed by ASJ, Sangrur. Matter came up for consideration before this Court which vide order dated 21.04.2017 directed to put CRM-M-2860-2017 along with criminal appeal. The trial Court was directed to adjourn the matter beyond the date fixed before this Court. Order dated 21.04.2017 reads as:-

“Learned counsel for the petitioner submits that as a matter of fact the judgment on the basis of which the complaint by respondent no.2 has been filed, in which strictures were passed against the present petitioner, has been challenged by the petitioner and notice has been issued in that case, i.e. CRM-A-648-MA-2017, by this Court, returnable on 02.05.2017. Learned senior counsel appearing for respondent no.2 however submits that, firstly, the aforesaid petition seeking leave to appeal has been filed after a delay of 1300 days and though learned counsel for the petitioner had prayed for a stay on the operation of the remarks contained against the petitioner in the judgment that is subject matter of that petition, such stay was not granted by the Court even while issuing notice. Hence he submits that this Court would not, firstly, club this petition with the other petition by which leave to appeal is sought by the petitioner against the judgment in question.

Secondly, even this Court had not granted stay in the present petition because in the opinion of this Court, when the complaint filed by the present complainant is based on the indictment of the petitioner in that judgment (in which the present complainant was acquitted). Therefore, Mr. Kaushal submitted that this petition needs to be heard separately and necessarily must not be tagged with the petition seeking leave to appeal against the judgment impugned in that case.

He further submits that in any case this Court would not stay proceedings which have not been stayed so far in this petition, as the remarks against the present petitioner still stand in that judgment.

Having considered the aforesaid arguments, it is to be noticed again that the judgment in which the present petitioner has been indicted, being under challenge and the complaint filed by the complainant in the present case, i.e. respondent no.2, being essentially based on his acquittal and the remarks contained in that judgment, I do not see how the two can be 'dichotomized' from each other. Thus, on that rationale, if subsequently the judgment that is subject matter of CRM-A-648-MA-2017 is reversed, or the remarks against the petitioner are eventually expunged, it may amount to "jumping the gun" at this stage, to allow criminal proceedings to continue against the petitioner. Hence, even though so far this Court has specifically not granted stay on proceedings against the petitioner; in the changed circumstance, it is directed that this petition be put up along with CRM-A-648-MA-2017, so that even the issue of staying proceedings against the petitioner can be taken up along with the merits of what is contended in CRM-A-648-MA-2017.

Adjourned to 02.05.2017.

In the meanwhile, the learned trial Court would, on the next date of hearing before it, adjourn the matter to a date beyond the date given by this Court, i.e. beyond 02.05.2017 only."

7. The respondent on the basis of observations of ASJ, Sangrur initiated departmental proceedings against the petitioner. He was issued chargesheet. The Inquiry Officer conducted inquiry and vide report dated 07.03.2018 held him guilty. He was supplied copy of Inquiry Report and granted opportunity to file reply. He filed reply dated 30.04.2018. The matter was put up before Additional Chief Secretary who vide order dated 23.07.2018 opined that matter is pending consideration before Court, therefore, case be kept pending till the decision of Court. The respondent despite pendency of matter before this Court vide order dated 01.12.2020 imposed punishment of reduction in rank from Inspector to Sub Inspector. It is apt to mention here that matter was put up before Chief Minister who decided to impose punishment of reduction in rank.

8. Learned counsel for the petitioner submits that petitioner has not been held guilty by trial Court. He has further challenged judgment of acquittal passed by ASJ which is still pending before this Court. The proceedings before trial Court were initially stayed though petitioner later on withdrew his petition. The inquiry report and subsequent proceedings are based upon findings recorded by ASJ in paragraph No.26 of judgment dated 05.03.2013. There is no application of mind on the part of inquiry officer. The trial Court has recorded findings contrary to record. Balwinder Singh, DSP appeared as defence witness and admitted his visit, thus, it is factually incorrect that there was alteration in the logbook. No evidence of leaking information from the office of DSP (Vigilance) was furnished to him. He was never heard by trial Court while passing order dated 05.06.2013 whereby he was held guilty. The Inquiry Officer has not considered his submissions and evidence in true spirit.

9. *Per contra*, learned State counsel submits that petitioner was subjected to departmental inquiry and found guilty. He was given full opportunity to put forth his stand. As per directions of trial Court, FIR No.116 dated 13.04.2014 under Sections 167, 467, 468, 471, 201 & 120-B IPC was registered against him. He preferred **CRM-M-2860 of 2017** before this Court seeking quashing of FIR. This Court stayed proceedings arising out of aforesaid FIR, however, said petition was dismissed as withdrawn on 14.12.2022.

10. Heard the arguments and perused the record.

11. The petitioner during the course of hearing as well as in the petition has primarily disputed findings recorded by trial Court. He has challenged order of CJM whereby FIR was ordered to be registered. He has preferred appeal against judgment of acquittal passed by trial Court. This Court vide order dated 21.04.2017 stayed proceedings pending before trial Court, however, vide order dated 14.12.2022 petition was dismissed as withdrawn.

12. The petitioner preferred instant petition after filing appeal against judgment dated 05.06.2013 and petition assailing order of CJM whereby respondent was directed to register FIR. This Court while issuing notice of motion vide order dated 11.01.2021 directed the respondent not to demote the petitioner. Order dated 11.01.2021 reads as:-

“Inter alia submits that for alleged misuse of power, concerned Additional Sessions Judge-cum-Special Judge, Sangrur, issued directions for examining the possibility of initiating criminal proceedings against the petitioners vide judgment dated 5.6.2013. Criminal proceedings were initiated against the petitioner on the basis of complaints made by the accused in the case, in which, judgment dated

5.6.2013 was passed viz. FIR No.116 dated 13.4.2014. The said FIR is under challenge before this Court and further proceedings in the trial have been stayed. Consequently, the Additional Chief Secretary to Government of Punjab passed order dated 23.7.2018 directing that departmental proceedings be kept pending as the said proceedings are also based upon the directions dated 5.6.2013 issued by the Additional Sessions Judge-cum-Special Judge, Sangrur. Now, without any notice to the petitioner and without granting him an opportunity of hearing before imposing a punishment, order dated 1.12.2020 (Annexure P- 19) has been passed, directing the DGP Punjab, to enforce the punishment of demotion to a lower rank. Not only, is the said order violative of principles of natural justice, it is also unlawful inasmuch as judgment dated 5.6.2013 is under challenge in this Court. In case, the High Court finds that the observations of the learned Additional Sessions Judge-cum-Special Judge, Sangrur, were not justified, the petitioner would not incur any liability of punishment in the departmental proceedings.

Notice of motion.

Ms. Maloo Chahal, DAG, Punjab, accepts notice and waives service and seeks time to file reply.

Adjourned to 27.4.2021.

Meanwhile, direction to demote the petitioner, shall remain stayed.'

13. The petitioner has already withdrawn his petition assailing orders whereby Police was directed to register FIR against him. There was stay of proceedings in his favour. He has withdrawn the petition, thus, criminal proceedings are going on against him. He neither in the writ petition nor during the course of hearing pointed out any glaring infirmity in the departmental proceedings. His prime argument was that he has filed appeal against judgment of acquittal and till the adjudication of appeal, he

should not be punished departmentally. If judgment of acquittal or adverse findings recorded against him are set aside, there would remain no reason to punish him departmentally. There is no substance in his contention. The trial Court on the basis of evidence on record formed an opinion that Tara Singh and Jagtar Singh were illegally implicated by petitioner and department should take appropriate action against him. The Department conducted regular inquiry. He was given full opportunity to put forth his stand. The departmental enquiry was initiated on the basis of observations of trial Court, however, charges were framed against him and he was given full opportunity to put forth his stand. He was found guilty by Inquiry Officer. The Department has awarded him punishment which is proportionate to alleged offence. The departmental proceedings could not be kept pending just because of filing of appeal before this Court against the judgment of acquittal. In the absence of stay of judgment of acquittal or findings recorded against the petitioner, the department was not supposed to withhold the proceedings. This Court vide judgment dated **01.05.2024** in ***“Tulsi Dass vs State of Haryana”***, CWP-15845-2023 has clearly held that departmental proceedings cannot be kept pending on the ground that criminal proceedings are pending. The said judgment has been upheld by Division Bench of this Court in **LPA-1255-2024**.

14. Scope of interference while exercising jurisdiction under Articles 226/227 of the Constitution of India in disciplinary proceedings is very limited. The High Court has no power to look into quantum of sentence/punishment unless and until Court finds that punishment awarded is disproportionate to alleged offence. It is further settled proposition of law that High Court while exercising its jurisdiction under Article 226 of

the Constitution of India can look into the procedure followed by authorities. In case, it is found that enquiry officer or disciplinary authority has not considered any evidence on record or misread the evidence or procedure as prescribed by law has not been followed, the Court can interfere. A two judge Bench of Hon'ble Supreme Court in “***Union of India and others v. Subrata Nath***”, 2022 SCC Online SC 1617 while advertng to scope of interference under Article 226 of the Constitution of India in disciplinary proceedings has held that departmental authorities are fact finding authorities. On finding the evidence to be adequate and reliable during the departmental inquiry, the Disciplinary Authority has discretion to impose appropriate punishment on the delinquent employee keeping in mind the gravity of the misconduct.

15. A Constitution Bench in “***Syed Yakoob v. K.S. Radhakrishnan***”, AIR 1964 SC 477 and a two Judge Bench of the Hon'ble Supreme Court recently in “***Central Council for Research in Ayurvedic Sciences and another v. Bikartan Das and others***” 2023 SCC Online SC 996 have reminded us that there are two cardinal principles of law governing issuance of writ of certiorari under Article 226 of the Constitution of India i.e. (i) High Court does not exercise the powers of Appellate Tribunal. It does not review or reweigh the evidence upon which the determination of the inferior tribunal purports to be based. It demolishes the order which it considers to be without jurisdiction or palpably erroneous but does not substitute its own views for those of the inferior tribunal. The writ of certiorari can be issued if an error of law is apparent on the face of the record; (ii) in a given case, even if some action or order challenged in the writ petition is found to be illegal and invalid,

the High Court while exercising its extraordinary jurisdiction thereunder can refuse to upset it with a view to doing substantial justice between the parties. It is perfectly open for the writ court, exercising this flexible power to pass such orders as public interest dictates & equity projects. The High Court would be failing in its duty if it does not notice equitable consideration and mould the final order in exercise of its extraordinary jurisdiction. Any other approach would render the High Court a normal court of appeal which it is not.

16. The petitioner was subjected to departmental inquiry. The authorities duly followed prescribed procedure. Inquiry Officer examined witnesses and thereafter submitted his report. The petitioner was given full opportunity to put forth his stand. Thus, it cannot be concluded that there was either violation of procedure or authorities did not appreciate evidence on record. Interference by this Court in impugned orders would amount to substitution of opinion of departmental authorities which is impermissible in law. Punishment awarded is commensurate to offence committed by petitioner.

17. In the wake of above discussions and findings, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

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18. The petitioner was not promoted on account of pending FIR and departmental proceedings. The respondent adopted sealed cover procedure. The petitioner is claiming that sealed cover should be opened and he should be granted promotion as well as notional benefits from the

19. In the wake of dismissal of *CWP-420-2021*, the instant petition does not survive and accordingly dismissed.

20. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

March 05, 2026
Deepak DPA

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

Uploaded on :- 05.03.2026