



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

LPA-609-2026 (O&M)

Date of Decision:06.03.2026

SANDEEP KUMAR

....APPELLANT(S)

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENT(S)

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Saurabh Dalal, Advocate
(through video conferencing) with
Mr. Aman Sharma, Advocate
for the applicant-appellant.

Mr. Pankaj Middha, Addl., AG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-1524-LPA-2026 (delay)

1. This application under Section 5 of the Limitation Act has been filed on behalf of the applicant-appellant seeking condonation of delay of 27 days in filing the present appeal.

2. For the reasons mentioned in the application, the same is ***allowed*** and delay of 27 days in filing the instant appeal stands condoned.

Main Case (O&M)

3. This appeal arises out of the judgment of the learned Single Judge, whereby the Writ Court has refused to interfere with the punishment imposed upon the appellant.

4. The undisputed facts of the case are that the appellant, at the relevant point of time, was posted as Head Constable in Police Lines, Gurugram. He was seen entering the Police Lines from the back gate at about 01:30 AM at night with a lady, who ultimately walked towards the

girls' hostel. This was observed on the CCTV camera. Disciplinary proceedings were initiated against the appellant with the service of a charge-sheet, which is appended at page 52 of the paper book. The charges were denied. The inquiry thereafter continued, in which three witnesses were produced. The statement of the Assistant Commissioner of Police, Headquarters, Gurugram (for short, 'ACP'), was recorded. She was herself a senior officer and testified that complaints had been received against the appellant alleging that he extended favours to female employees in return for favours, and harassed/exploited those who did not extend such favours. Relying upon the statement of the concerned ACP, the Inquiry Officer concluded the inquiry by holding the appellant guilty, whereafter the disciplinary authority passed the punishment order withholding four increments with permanent effect. The learned Single Judge dismissed the writ petition after noticing various judgments of the Supreme Court laying down the scope of interference in matters arising out of disciplinary proceedings and referring to the judgments which specify the limited jurisdiction available to the Writ Court in interfering with such proceedings.

5. Learned counsel for the appellant submits that though the ACP had deposed against the appellant in the disciplinary inquiry, her statement was not based upon any specific complaint by any Constable, nor were the details furnished of the persons who had made such complaints. It is therefore argued that the statement of the concerned officer was, at best, hearsay without any basis and could not have formed

the foundation of the impugned action.

6. *Per contra*, learned State counsel, however, opposes the submissions advanced on behalf of the appellant.

7. We have heard the learned counsel for the respective parties and have perused the material appended to the instant appeal.

8. From the material placed before us, we find that the basis of the disciplinary action against the appellant was CCTV footage in which the appellant was found entering the Police Lines from the back gate in his car along with a lady who was seen walking towards the girls' hostel. It was also found that the appellant had switched off his car's headlights while entering through the back gate. The suspicious manner in which the lady was seen alighting from the appellant's car and then proceeding towards the girls' hostel formed the basis of the disciplinary action. It is in this context that the ACP appeared in the inquiry and testified regarding the CCTV footage and also the fact that similar complaints had otherwise been received against the appellant.

9. Though it is argued that no specific complaint is referred to or relied upon, we are not inclined to accept such an argument, inasmuch as no reason has been disclosed as to why a senior officer of the rank of ACP would depose falsely against the appellant or level false allegations. There is no allegation of *mala fides* levelled against the ACP. When a senior officer appears in a disciplinary inquiry and specifically states that she has seen the CCTV footage and has also received similar complaints against the appellant, the matter has to be viewed with sufficient

seriousness. Judicial notice can be taken of the fact that such acts of exploitation are seldom highlighted without the identity of the complainant being disclosed. The disciplinary authority, therefore, cannot be said to have acted with material irregularity in taking cognizance of the facts found in the disciplinary inquiry, which has to be assessed on the touchstone of preponderance of probability. In the absence of any allegation of *mala fides*, we cannot discount the version of a senior police officer, particularly when the allegations are otherwise serious in nature.

10. We, therefore, concur with the view expressed by the learned Single Judge. In such facts and circumstances, when there is substantial compliance with procedural safeguards, no interference would be warranted in the exercise of writ jurisdiction.

11. In view of the above, the instant appeal fails and is accordingly ***dismissed***.

12. All pending miscellaneous application(s), if any, also stand disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

MARCH 06, 2026
Rahul Joshi

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| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |