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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-892-2026 (O&M)

Date of Decision: 27.04.2026

Tejinder Singh

....Appellant(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Karanvir Singh Khehar, Advocate,
for the appellant.

JASGURPREET SINGH PURI, J.

1. The present is an intra-Court appeal filed assailing the judgment dated 19.02.2026 passed in CWP No.420 of 2021 by the learned Single Judge, wherein two writ petitions were decided by way of a common order.

2. Learned counsel appearing on behalf of the appellant while referring to the facts which have been incorporated in the writ petition submitted that the writ petition bearing CWP No.420 of 2021 was filed seeking setting aside of the charge-sheet against the appellant dated 02.09.2015, inquiry report dated 07.03.2018 and order dated 01.12.2020 by which a penalty of reduction in rank was imposed against the appellant and the second writ petition bearing CWP No.33592 of 2024 was filed seeking promotion on account of the pending FIR since sealed cover procedure has



already been adopted and the same may be opened and the appellant may be granted promotion with notional benefits.

3. Learned counsel submitted that the appellant joined the Punjab Police on 31.01.1990 and thereafter, he was promoted from time to time and was holding the rank of Deputy Superintendent of Police (DSP) by way of local rank. The appellant being a police officer had registered and thereafter investigated FIR No. 68 dated 12.08.2011 under Sections 8, 9 and 13(2) of the Prevention of Corruption Act, 1988. While investigating the aforesaid FIR, he had arrested two persons, namely, Jagtar Singh and Tara Singh. However, during the course of trial, it was brought to the knowledge of the Court that the aforesaid Tara Singh had lodged a complaint before Vigilance Bureau against the present appellant, who was Station House Officer (SHO) at that point of time, wherein there was an allegation of demand of Rs.20,000/- by the appellant. Consequently, a raid was conducted for the appellant but he was not arrested. Learned counsel submitted that the appellant was falsely implicated in the aforesaid allegations by the aforesaid Tara Singh.

4. During the trial of the aforesaid FIR No.68 dated 12.08.2011, the learned Additional Sessions Judge-cum-Special Judge, Sangrur acquitted the accused vide judgment dated 05.06.2013 (Annexure P-2) but at the same time also sent a copy of the aforesaid judgment to the Senior Superintendent of Police (SSP), Sangrur to explore the possibility of initiating criminal proceedings against the appellant for falsely implicating the accused in the case by forging documents and fabricating evidence and in addition to that, departmental proceedings were initiated against the appellant and after



conducting of the inquiry, the order of punishment has been passed by which he was reduced in rank.

5. Learned counsel submitted that no such departmental inquiry could have been initiated against the appellant on the basis of the aforesaid order passed by the learned Additional Sessions Judge-cum-Special Judge, Sangrur, whereby the accused were acquitted in the FIR, which was registered by him. He submitted that even otherwise also, appeal against the aforesaid acquittal is also pending and therefore, no such action could have been taken against the appellant. He further submitted that learned Single Judge while discussing the aforesaid facts and circumstances has erroneously held that the scope of interference in the exercise of jurisdiction under Article 226 of the Constitution of India is limited. He further submitted that although inquiry was a detailed inquiry and as per the inquiry report, the charges were proved against the appellant but no such order of punishment could have been passed because the appeal against the order of acquittal is also pending and prejudice will be caused to the appellant in case the order of punishment is not set aside. He also submitted that a separate FIR was registered against the appellant, which is still pending and during the pendency of the said FIR, disciplinary proceedings could not have been commenced against him simultaneously with the criminal proceedings.

6. We have heard the learned counsel for the appellant.

7. It is a case where the appellant was posted as Station House Officer (SHO), whereby he registered FIR No.68 dated 12.08.2011, under Sections 8, 9 and 13(2) of the Prevention of Corruption Act. During investigation, the appellant also arrested two persons, namely, Jagtar Singh



and Tara Singh. During the course of trial, various facts were brought to the knowledge of the learned Additional Sessions Judge-cum-Special Judge, Sangrur, who was the trial Judge, whereby it was found that the accused of that case were falsely implicated by the appellant. A perusal of the order of acquittal (Annexure P-2) would show that it was observed by the learned Additional Sessions Judge-cum-Special Judge, Sangrur that the accused of that case have proved on record that the Inspector Tejinder Singh (appellant herein) demanded illegal gratification from the accused Tara Singh, who approached the Vigilance Bureau, Sangrur for taking action against the appellant herein. It was further observed that the action against the appellant could not materialize due to faulty planning or leakage of information and the appellant got accused Tara Singh and Jagtar Singh implicated in the false case by arranging interested witnesses. The aforesaid observation contained in para No.23 of the judgment is reproduced as under:-

“23. In this case Inspector Tejinder Singh has acted as complainant as well as investigating officer as he himself arrested both accused Jagtar Singh and Tara Singh and no investigation has been conducted by an officer of at least DSP rank or of equivalent rank as required under Section 17 (c) of Prevention of Corruption Act, 1988. He arrested Jagtar Singh and Tara Singh in violation of provisions of Section 17 (c) of Prevention of Corruption Act, 1988. as he has not obtained any warrant from the court of Judicial Magistrate Ist Class for their arrest. Accused have proved on record that Inspector Tejinder Singh demanded illegal gratification from accused Tara Singh who approached the Vigilance Bureau, Sangrur for action against Inspector Tejinder Singh. The action against Inspector Tejinder Singh could not materialize



due to faulty planning or leakage of information and Inspector Tejinder Singh got accused Tara Singh and Jagtar Singh implicated in this false case by arranging interested witnesses. In this case entire investigation was conducted by Inspector Tejinder Singh as he arrested both the accused, he recovered the amount which was offered to him by the accused, he recorded the statements of the witnesses. DSP Kuldeep Sharma recorded the statement only on 16.08.2011. The role of DSP Kuldeep Sharma can at the best be said to be of a verifying officer and not of investigating officer and in such circumstances Hon'ble Punjab and Haryana High Court has held in Harnek Singh Vs. State of Punjab 1998 (4) RCR (Criminal) 753 as under, "Under Section 17 (c) of the Prevention of Corruption Act, 1988 only DSP or police officer of an equivalent rank could investigate the cases, but the cases in hand were admittedly registered under the Act of 1988 and investigated by the Inspector of police who is neither DSP nor a police officer equivalent to the rank of DSP." Hon'ble High Court quashed all the FIRs only on the sole ground that in those cases the offences were investigated by Inspector of police who is not authorized to conduct investigation as per the provisions of Section 17 (c) of the Prevention of Corruption Act, 1988. In the present case the matter is more serious as Inspector Tejinder Singh was himself an interested party as accused has proved on record that a complaint was lodged with Vigilance Bureau, Sangrur against Inspector Tejinder Singh, but he could not be apprehended and he in turn implicated the accused in this case. So in these circumstances Inspector Tejinder Singh acts of investigating the case and arresting the accused in violation of the provisions of Section 17 (c) of



Prevention of Corruption Act, is fatal to the case of the prosecution.”

8. Further observation was also made in para No.25 and it was found that the appellant while investigating the case and by arresting the accused Jagtar Singh and Tara Singh has violated the provisions of Section 17(c) of the P.C. Act and principles of natural justice. Para No.25 is also reproduced as under:-

“25. Prosecution has presented the challan against accused under Sections 8, 9 and 13 (2) of Prevention of Corruption Act, 1988. Provisions of Section 13 (2) of the Prevention of Corruption Act are attracted against public servant and in the present case prosecution has not proved on record that any of the accused was acting as a public servant at the time of commission of the offence and for offence under Section 8 of the Prevention of Corruption Act one has to obtain illegal gratification for himself or for any other person as a motive or reward for inducing by corrupt or illegal means any public servant to do or forbear to do. There is no evidence on record that accused Jagtar Singh received the illegal gratification from Tara Singh for Inspector Tejinder Singh to induce Tejinder Singh by corrupt or illegal means to favour Tara Singh in pending application. When there is no evidence on record that accused Jagtar Singh has ever obtained ` 10,000/- from Tara Singh as illegal gratification no offence under Section 8 of the P.C. Act is made out against Jagtar Singh and Tara Singh and for attracting the provisions of Section 9 of P.C. Act prosecution has to prove that accused Jagtar Singh was having any personal influence with Inspector Tejinder Singh. Whereas in the present case there is no evidence



on record that Inspector Tejinder Singh was having acquaintance with Jagtar Singh or he was having any personal equation with Jagtar Singh rather in cross examination he admitted that Jagtar Singh met him for the first time in connection with matter of Tara Singh. So there was no personal influence of Jagtar Singh over Inspector Tejinder Singh. Considering all these facts that Tara Singh approached Vigilance Bureau, Sangrur against Inspector Tejinder Singh and the raid on Inspector Tejinder Singh could not succeed due to faulty planning or leakage of information and as per findings recorded in inquiry report Ex.DW22/A, Inspector Tejinder Singh falsely implicated the accused in this case by anti timing and anti dating the arrest of accused Jagtar Singh as Jagtar Singh has proved on record that he was having conversation with Inspector Tejinder Singh, MHC Gurtej Singh and DW Amarjit Singh till 8:47 PM of 12.8.2011. Whereas he was shown to have been arrested on 5:16 PM by Inspector Tejinder Singh. Inspector Tejinder Singh by investigating the case and by arresting the accused Jagtar Singh and Tara Singh have violated the provisions of Section 17(c) of P.C. Act and principles of natural justice particularly when Tara Singh had already complained against Inspector Tejinder Singh before Vigilance Bureau, Sangrur. Prosecution has miserably failed to prove the case against the accused and the accused are acquitted of the offence charged with. The amount of Rs.10,000/- is forfeited to the State.

9. In the concluding part contained in para No.26 of the aforesaid judgment passed by the learned Additional Sessions Judge-cum-Special Judge, Sangrur, it was directed that a copy of the judgment be sent to the Senior Superintendent of Police, Sangrur to explore the possibility of



initiating criminal proceedings against the appellant for falsely implicating the accused by forging documents and fabricating evidence. Para No.26 of the aforesaid judgment is also reproduced as under:-

“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. File be consigned to the record room.”

10. On the basis of the aforesaid judgment of acquittal, a FIR was registered against the appellant, which he challenged by filing a petition but subsequently he withdrew the same. Disciplinary proceedings were also initiated against the appellant by issuance of a charge-sheet. A regular departmental inquiry was conducted and an inquiry report was submitted vide Annexure P-16, which is a detailed and elaborate inquiry by recording of evidence in detail and the charges contained in the charge-sheet against the appellant were proved. The allegations which were proved as contained in the charge-sheet were that while the appellant was posted at Police Station Sherpur as Station House Officer (SHO), he got registered a false FIR No.68 dated 12.08.2011, under Sections 8, 9 and 13(2) of the Prevention of Corruption Act against Jagtar Singh and Tara Singh and that appellant had misused his authority in getting registered false case against Jagtar Singh and Tara Singh.



11. Thereafter, an order of punishment was passed by the competent authority vide Annexure P-19 for awarding punishment of demotion to Sub-Inspector. This order was under challenge in CWP No.420 of 2021.

12. We are of the considered view that the learned Single Judge has elaborately and correctly dealt with the issue involved in the present case. We are also of the considered view that although it was observed by the learned Additional Sessions Judge-cum-Special Judge, Sangrur that the accused were falsely implicated by the appellant but the order of punishment which has been passed against the appellant by the competent authority which was under challenge in the writ petition was not purely on the basis of the observations of the learned Additional Sessions Judge-cum-Special Judge, Sangrur but it was based upon an elaborate departmental inquiry which was conducted, wherein the charges against the appellant were proved. The argument raised by the learned counsel for the appellant that a FIR was also registered against the appellant, which is still pending and therefore, no disciplinary proceedings could have been held against him is misconceived. The appellant filed a petition challenging the aforesaid FIR, which he subsequently withdrew and criminal proceedings are continuing against him thereafter.

13. It was also an argument raised by the learned counsel for the appellant that there is no finding against the appellant but this argument is also misconceived since a regular departmental inquiry was conducted against him in which charges were proved against him. It is not the case of the appellant that he was not granted adequate opportunity. Rather, a perusal



of the inquiry report (Annexure P-16) would show that proper procedure has been followed in this regard.

14. So far as another argument raised by the learned counsel for the appellant that an appeal against the judgment of acquittal, wherein observations were made against the appellant by the learned Additional Sessions Judge-cum-Special Judge, Sangrur, is pending is concerned, the same is also of no avail to the appellant because the mere pendency of an appeal against the aforesaid judgment of acquittal would not mean that departmental proceedings could not have been commenced against him. It is not on the basis of the observations made by the learned Additional Sessions Judge-cum-Special Judge, Sangrur in the aforesaid judgment of acquittal that the appellant has been granted punishment but in fact the same was only for the purpose of considering initiation of the inquiry proceedings and inquiry was properly conducted. There was a finding by the Inquiry Officer that the charges are proved against the appellant. Nothing was pointed out by the learned counsel for the appellant as to what was the defect in the aforesaid inquiry.

15. So far as the second writ petition which was filed seeking grant of promotion is concerned, the learned Single Judge rightly dismissed the same because of the reason that although the case of the appellant was kept in a sealed cover, since the order of punishment has been upheld, the same was also required to be dismissed. We are therefore of the view that no interference can be made in the aforesaid findings of the learned Single Judge.



16. Consequently, we are of the considered view that no ground is available to the appellant for seeking intervention in the present intra-Court Appeal, which is devoid of any merit and accordingly, the same is hereby dismissed.

17. Miscellaneous applications, if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

27.04.2026

rakesh

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No