



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17233-2021

Date of Decision: 30.01.2026

VIRENDER CHAUHAN

...Petitioner

Versus

STATE OF HARYANA & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL.

Present:- None for petitioner.

Mr. Ravi Pratap Singh, D.A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. On 10.09.2021 while issuing notice of motion, following order was passed:-

“ Petitioner-Virender Chauhan has filed the present petition, inter alia with a prayer for issuance of a writ in the nature of certiorari for quashing the impugned order dated 20.04.2021 (Annexure P-2) vide which the departmental inquiry has been ordered by respondent No.3.

Notice of motion for 01.10.2021.

In the meantime, it is directed that till the next date of hearing, in the departmental inquiry, the examining of the common witnesses (who are common in the trial Court and the departmental inquiry) shall remain stayed.”

2. Learned State counsel on instructions from Constable Bhartendu, Commandant 4th Battalion submits that investigating officer has already filed police report and matter is pending before trial Court. The petitioner stands reinstated.

3. As per petitioner, his case is squarely covered by judgment of Supreme Court in ***Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd., 1999(3)***



SCC 679. The foundation of trial as well as departmental proceedings is same, thus, unless and until he is found guilty by trial Court, he should not be departmentally punished.

4. Mr. Ravi Pratap Singh, D.A.G., Haryana submits that a Coordinate Bench of this Court after noticing judgment of Supreme Court in ***Capt. M. Paul Anthony’s case (supra)*** has dismissed a bunch of petitions including **CWP No.15845 of 2023**. The aggrieved officials preferred intra court appeals including **LPA Nos.1255 of 2024** and **1146 of 2024**. The intra court appeals stand dismissed vide judgment dated 22.05.2024 and 08.05.2024.

5. Heard the arguments and perused the record.

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. 6. In the wake of judgment dated 22.05.2024 passed by Division Bench of this Court in **LPA No.1255 of 2024** titled as “***Tulsi Dass vs. State of Haryana and others***” and judgment dated 08.05.2024 passed in **LPA No.1146 of 2024** titled as “***ASI Pawan Kumar vs. State of Haryana and others***”, it can be concluded that the respondent cannot travel beyond the police report, thus, no prejudice is going to be caused to petitioner, if he leads his defence in departmental proceedings. There is no substance in the apprehension expressed by the petitioner.

7. Dismissed with liberty to petitioner to move an appropriate application within three months from today if cause survives.

(JAGMOHAN BANSAL)
JUDGE

30.01.2026
SDK

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