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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-29542-2025 (O&M)

Date of Decision:04.02.2026

Jagdeep Dhanda

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Gurminder Singh, Senior Advocate with
Mr. Inderpal Goyat, Advocate for the petitioner(s)
in CRM-M Nos.29542, 37507, 30217, 37790, 37886 and
37853 of 2025.

Mr.P.S. Ahluwalia, Senior Advocate with
Mr. Keerat Dhillon, Advocate for the petitioner(s)
in CWP-13397-2024 and CWP-25007-2024.

Mr. Amit Sahni, Addl. A.G. Haryana and
Mr. H.S. Johal, Advocate.

JASGURPREET SINGH PURI J.(Oral)

1. By this common order, CRM-M Nos. 29542, 37507, 30217, 37790, 37886 and 37853 of 2025 and CWP-13397-2024 and CWP-25007-2024 are being taken up together for disposal, as the issue involved in all the aforesaid matters is identical as per learned counsels for the parties.
2. The present bunch comprises eight petitions filed by different petitioners seeking identical relief. Out of these, six petitions have been

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filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and remaining two civil writ petitions have been filed under Article 226 of the Constitution of India.

3. Since the matters are identical, the same are being taken up for final disposal with the consent of learned counsel for the parties.

4. For the sake of convenience, the facts are being extracted from CRM-M-29542-2025 titled as ***Jagdeep Dhanda vs. State of Haryana and another.***

5. Mr. Gurminder Singh, learned Senior Counsel assisted by Mr. Inder Pal Goyat, Advocate and Mr. P.S. Ahluwalia, learned Senior Counsel assisted by Mr. Keerat Dhillon, Advocate, appearing for the petitioners, jointly submitted, while advertng to the facts as arising from CRM-M-29542-2025 that all the eight petitioners were selected to different posts in the Haryana Civil Services (HCS) and Allied Services conducted by the Haryana Public Service Commission. A total of 64 selections were made, in which all the eight petitioners were selected on 04.09.2002. About one month prior to the aforesaid selections, one MLA of the State of Haryana, namely Mr. Karan Singh Dalal, filed a writ petition bearing CWP-15390-2002 on 31.07.2002 before this Court challenging the selection of all the 64 candidates to the posts of HCS and Allied Services on the ground of nepotism and other irregularities. The aforesaid writ petition, filed in the year 2002 is still pending before a Division Bench of this Court.

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6. During the pendency of the aforesaid civil writ petition, an order was passed by the Division Bench on 16.12.2010 (Annexure P-9), whereby, considering the allegations pertaining to various irregularities and nepotism, the Division Bench observed that the matter deserves to be inquired into by a person/body not belonging to the region. Accordingly, a direction was issued that the matter be referred to a retired Hon'ble Judge, who would be entitled to take the assistance of any examination expert, for instance, from a University or the UGC or any other body. Consequently, a former Chief Justice of Hon'ble Delhi High Court was requested to go into the allegations, the inspection reports and the objections and to give his considered opinion as to whether the allegations levelled in the writ petition regarding favoritism, nepotism and corruption and certain documents allegedly left out of consideration by the examiner or in the report of the State Vigilance Bureau or the inspection reports, were made out or not. He was also requested to submit his report on or before 30.04.2011.

7. The aforesaid order dated 16.12.2010 passed by the Division Bench was challenged by some of the petitioners before the Hon'ble Supreme Court by way of SLP (C) No. 7565 of 2011. The said Special Leave Petition was subsequently converted into Civil Appeal No. 2845 of 2011 and came to be disposed of vide judgment dated 31.03.2011 (Annexure P-10).

8. Learned Senior Counsel for the petitioners further submitted

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that it was brought to notice of Hon'ble Supreme Court that the former Chief Justice of the Hon'ble Delhi High Court, who had been requested to conduct the inquiry, had expressed his inability to undertake the said exercise. Thereafter, considering the aforesaid factual position, Hon'ble Supreme Court observed that it would be in the interest of the parties that the writ petition be finally disposed of by the High Court at the earliest, in light of the pleadings and records already produced and/or the records which may be summoned by the High Court from the State Government, the Haryana Public Service Commission and other concerned agencies. Thereafter, vide order dated 31.03.2011, the appeal was disposed of by Hon'ble Supreme Court with a request to the High Court to decide the pending writ petition as early as possible without requesting any other judicial or non-judicial functionary to look into the records and give its opinion.

9. Learned Senior Counsels further submitted that after the passing of the aforesaid order by Hon'ble Supreme Court, the matter is still pending before the Division Bench of this Court and has not been decided yet.

10. Learned Senior Counsels submitted that neither any interim order of any kind was passed in the aforesaid writ petition pending before Hon'ble Division Bench nor in any other connected matter. The petitioners, who were selected in the year 2002, had joined service and thereafter

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earned various selection grades and are continuing on their respective posts. When they became eligible for being nominated to the Indian Administrative Service (IAS), a panel was required under the applicable rules to be sent by the State Government to the UPSC for nomination to the IAS Cadre.

11. In this regard, a proposal was sent by the State Government on 21.07.2022 vide Annexure P-12, in which the names of all the present petitioners were mentioned in a tabulated format forming part of the panel of officers who could be considered by the UPSC for nomination to the IAS in the Select List of 2020-21. However, when the meeting was scheduled by the UPSC, the same was postponed and till date they have not been considered for nomination to the IAS.

12. Learned Senior Counsels further contended that, in fact, it was due to *mala fide* reasons best known to the respondent-State that in order to jeopardize their consideration for selection to the post of IAS, after having been nominated by the State Government in the panel sent to the UPSC, the petitioners were named in a charge-sheet submitted by the Police/Vigilance Bureau before the Court on 30.06.2023.

13. While giving details of the aforesaid FIR and charge-sheet, learned Senior counsels submitted that the said FIR was dated 18.10.2005 bearing FIR No.20, which was registered not against the petitioners but pertained to certain other selections made by the Haryana Public Service

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Commission relating to Assistant Professors. The petitioners were neither nominated nor named in the said FIR, as the subject matter and allegations therein were totally alien to the present petitioners and pertained to a different selection process concerning Assistant Professors in various departments and not to the selection to HCS. It was only for the first time, when the charge-sheet was filed on 30.06.2023, i.e., after 18 years of the aforesaid FIR, which pertained to different persons and different selections that the names of the petitioners figured therein, despite the said FIR having no connection whatsoever with the present petitioners.

14. Learned Senior Counsels, while referring to the aforesaid report presented under Section 173 Cr.P.C. vide Annexure P-7, submitted that the said report pertains to FIR No.20 of 2005 regarding selection of Assistant Professors and there is nothing in the said report under Section 173 Cr.P.C. to even remotely suggest that any kind of investigation whatsoever was conducted pertaining to the present petitioners or to any other persons selected in the HCS, as the subject matter of the FIR in which the report was presented was not pertaining to the selection to HCS but the selection to the posts of Assistant Professors. They further submitted that it is only in one paragraph, i.e., paragraph No. 17.14, pertaining to one of the petitioners, namely Jagdeep wherein it has been mentioned that in the aforesaid writ petition which is pending, a report was submitted by the learned Additional Advocate General, being the State counsel in the said

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civil writ petition, stating that there were some fictitious numbers on the answer sheets and that a miscellaneous application had been filed seeking examination of the answer books through the FSL. Learned Senior Counsels submitted that this was the only paragraph wherein reference was made to one of the petitioners but there has been no investigation conducted by the police with regard to the role of the present petitioners and after 18 years of registration of the FIR, their names have been mentioned in the final report without undertaking any investigation.

15. They further submitted that, in any case, the police could not have conducted any investigation with regard to the answer sheets, etc., because the entire record since the year 2007 has been in the custody of the Court before which the aforesaid writ petition is pending. Although an application was filed in the afore-said writ petition seeking comparison of the answer sheets through the FSL but the same was not carried out and therefore no comparison of the answer sheets was ever conducted by any FSL and the entire record is before Hon'ble Division Bench of this Court. Therefore, it is very clear that not only did the police not conduct any investigation but also in any event they could not have done so in the absence of the record. However, with one stroke of a pen, the police named and arraigned the petitioners in the report under Section 173 Cr.P.C. in a FIR which was neither connected to the petitioners, nor were they nominated as accused therein, as the FIR pertained to the posts of Assistant

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Professors.

16. They further submitted that the purpose of incorporating the names of the petitioners in the aforesaid report under Section 173 Cr.P.C. was to jeopardize their rights to be considered for nomination to the IAS, for *mala fide* reasons. It is for this reason that the petitioners have filed the present petitions seeking quashing of the FIR as well as the charge-sheet presented pursuant thereto. Vide order dated 11.07.2025, an interim order was passed by this Court in the present petition whereby the operation and effect of the impugned charge-sheet qua the petitioner was stayed and as of today no further proceedings have taken place.

17. They submitted that because of the aforesaid report under Section 173 Cr.P.C., which has otherwise been stayed by this Court vide order dated 11.07.2025, the UPSC is still not considering the petitioners for selection to the IAS Cadre.

18. Learned Senior Counsels also submitted that an opinion was obtained from learned Additional Advocate General, Haryana, with regard to the effect of the aforesaid charge-sheet. The learned Additional Advocate General, Haryana, vide Annexure P-17 dated 24.11.2023, opined that the petitioners, being HCS officers are entitled to issuance of an Integrity Certificate and to be considered for appointment to the IAS. However, another opinion was also sought from the learned Solicitor General of India, who later opined that since a charge-sheet has been filed before the

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Court qua the present petitioners then as per the applicable rules they cannot be considered for induction into the IAS Cadre.

19. They submitted that in this manner, because of pendency of the aforesaid charge-sheet, which is otherwise wholly illegal as names of the petitioners were included after 18 years in a different FIR with which they have no concern whatsoever and without undertaking any investigation, their rights are being prejudicially affected affecting their careers.

20. Both the learned Senior Counsels categorically and specifically submitted that they confine the scope of the present petitions to a limited extent, inasmuch as they are pressing the challenge only to the filing of the charge-sheet under Section 173 Cr.P.C. qua them and are not raising any challenge to the basic FIR. They further submitted that they have no objection in case liberty is granted to the State to take a fresh decision as to whether the petitioners should be challaned or not after conducting an investigation or after the outcome of the aforesaid civil writ petition which is pending before a Division Bench of this Court. They prayed that therefore, the scope of the present petitions may be limited to the aforesaid challenge to the charge-sheet, which according to them is contrary to law for the reasons already stated.

21. They have also submitted that in a similar case, i.e., CRM-M-36189 of 2023, some other officers who were selected to HCS in the subsequent batch to the petitioners were also targeted by mentioning their

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names in a charge-sheet of the same date and in the same FIR, with which they had no concern. Those officers had also moved a petition before this Court for quashing of the FIR qua them on similar grounds, which was allowed by a Coordinate Bench of this Court vide Annexure P-20 dated 29.01.2025. It has been submitted that the present petitioners are similarly situated to the aforesaid petitioners and therefore, on this ground as well, the charge-sheet is liable to be quashed.

22. On the other hand, learned State counsel, on instructions, submitted that it is undisputed that no investigation has been reflected in the aforesaid charge-sheet vide Annexure P-7 in which the names of the petitioners were mentioned. It is also undisputed that FIR No. 20 dated 18.10.2005 was registered in the year 2005, i.e., 18 years prior to filing of the charge-sheet and did not pertain to the petitioners, as they were not named as accused therein. The subject matter of the FIR pertained to selection to the post of Assistant Professors and not to the HCS.

23. Learned State counsel on instructions, however, submitted that whatever material was available with the police was investigated to that extent and therefore, on the basis of the material available, the charge-sheet was presented. He also submitted that the investigation was conducted only on the basis of the report of learned Additional Advocate General, Haryana, who had submitted the report before a Division Bench of this Court where the matter pertaining to challenge to the selection was pending. He further

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submitted that apart from the above-said material i.e., the report of the learned Additional Advocate General, Haryana, no independent investigation is on record.

24. He also submitted that it is undisputed that FIR No.20 of 2005 was pertaining to the post of Assistant Professor and not to the present petitioners and that after 18 years their names were mentioned in the report under Section 173 Cr.P.C.

25. So far as the quashing of the charge-sheet in the case of certain other officers of a different batch, who were stated to be similarly situated to the present petitioners, vide Annexure P-20 dated 29.01.2025 passed by a Coordinate Bench of this Court is concerned, learned State counsel submitted that the present petitioners are at parity with the aforesaid petitioners therein.

26. I have heard the learned counsels for the parties at length.

27 Six petitions have been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the FIR and the report under Section 173 Cr.P.C., and two petitions have been filed seeking similar relief in the nature of civil writ petitions under Article 226 of the Constitution of India.

28. The basic facts, as stated by learned Senior Counsels for the petitioners, have not been disputed by learned State counsel. Both the learned Senior Counsels for the petitioners have restricted the scope of the

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present petitions by submitting that they do not press for quashing of the FIR itself but that their prayer may be limited only to the extent of quashing of the charge-sheet under Section 173 Cr.P.C. qua the petitioners. They also submitted that they have no objection in case liberty is granted to the respondent-State to investigate the case in accordance with law or to await the decision of the Division Bench of this Court and thereupon may decide whether petitioners are to be challaned or not. Therefore, this Court shall consider only the aforesaid limited prayer made by learned Senior Counsel for the petitioners with regard to the filing of the charge-sheet under Section 173 Cr.P.C.

29. It is undisputed that in FIR No.20 of 2005, the petitioners were not named as accused, nor did the subject matter of the aforesaid FIR pertain to the selection of the petitioners. In fact, the FIR pertains to selection to the posts of Assistant Professors, which is an entirely different selection process. After 18 years i.e., in the year 2023, the police presented a report under Section 173 Cr.P.C. on 30.06.2023 incorporating the names of the petitioners but without conducting any investigation qua them.

30. It was rather so stated by learned State counsel during the course of arguments, on instructions, that the names of the petitioners were incorporated only on the basis of a report submitted by learned Additional Advocate General, Haryana, before the Hon'ble Division Bench, which was hearing the writ petition pertaining to challenge to the selection. The

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aforesaid writ petition is pending before the Division Bench of this Court even till date. The entire record of the selection of the batch of the petitioners has been with the Division Bench of this Court since the year 2007. Therefore, the respondent-State could not have investigated the aforesaid allegations, if any, pertaining to nepotism or irregularities in the selection process. Furthermore, while disposing of the SLP on 31.03.2011, Hon'ble Supreme Court had requested the High Court to decide the pending writ petition expeditiously without seeking the opinion of any other judicial or non-judicial functionary. It was after about 12 years of the passing of the aforesaid order by Hon'ble Supreme Court that without investigating the case qua the present petitioners, the report under Section 173 Cr.P.C. was presented.

31. The law with regard to quashing of FIRs/complaints is no longer *res integra*. The Hon'ble Supreme Court in **State of Haryana vs. Bhajan Lal, 1992 SCC (Criminal) 426** has laid down the parameters governing the exercise of inherent jurisdiction by the High Court.

32. A perusal of the aforesaid judgement would show that the High Court, under Section 482 Cr.P.C. (Section 528 of BNSS Act) on the basis of the facts and circumstances of each case and in light of the principles laid down in ***Bhajan Lal's case (supra)***, would always interfere where it is satisfied that non-interference would result in miscarriage of justice.

33. In the present case, from the aforesaid facts and circumstances,

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it is so clear that after 18 years the names of the petitioners were incorporated in the report under Section 173 Cr.P.C. in a FIR which was not connected with the petitioners at all. They were neither named as accused in the FIR nor was any investigation conducted qua them. Therefore, this Court is satisfied that the presentation of the report under Section 173 Cr.P.C. qua the present petitioners was not in accordance with law and is illegal in nature.

34. Accordingly, this Court is of the considered view that interference is warranted in order to prevent miscarriage of justice and to secure the ends of justice. Consequently, all the above petitions are allowed. The charge-sheet dated 30.06.2023 presented under Section 173 Cr.P.C., is hereby set aside and quashed qua the petitioners only.

35. Liberty is granted to the State to investigate the matter, if it so desires at appropriate stage and thereafter, if so required, to proceed in accordance with law.

(JASGURPREET SINGH PURI)
JUDGE

04.02.2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No