



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

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CWP-30415-2024

Date of Decision: 27.02.2026

LAKHBIR SINGH

...Petitioner

Vs.

STATE OF PUNJAB AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sangram Singh Saron, Advocate with
Ms. Amisha Batra, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of suspension order dated 22.07.2022 passed by respondent under Rule 4 of Punjab Civil Services (Punishment and Appeals) Rules, 1970 (for short '1970 Rules'). He is further seeking direction to reinstate him as per judgment of Hon'ble Supreme Court in '*Ajay Kumar Choudhary Vs. Union of India*' (2015) 7 SCC 291.

2. The petitioner in 2022 was posted as Deputy Superintendent of Police (DSP), Detective at District Faridkot. An FIR No.62 dated 30.06.2022 under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 was registered at Police Station Bhikhiwind, District Tarn Taran against Surjit Singh and 900 grams opium along with one Scootri was recovered from him. In the investigation, it was found that Surjit Singh had purchased opium from

Pishora Singh who started running from pillar to post to save himself. Pishora Singh approached Nishan Singh who along with Hira Singh (cousin of petitioner) contacted Assistant Sub Inspector (ASI) Rashpal Singh, CIA Staff, Patti. Rashpal Singh offered Rs.7-8 Lakhs to Inspector Binderjit Singh for not implicating Pishora Singh who refused to do so and continued with investigation. Pishora Singh was arrested on 03.07.2022. During investigation, he disclosed that he had asked help from petitioner through ASI Rashpal Singh. The petitioner had demanded bribe through Hira Singh and deal was settled at Rs.10,00,000/- which was to be kept with Hira Singh. During investigation, 250 grams of opium and a sum of Rs.1,00,000/- was recovered from the residence of Pishora Singh and a sum of Rs.9,97,000/- was recovered from the house of Hira Singh. During further investigation, it was found that petitioner used to aid drug peddlers and used to safeguard them from legal action. On account of these reasons, he was arrested vide diary dated 06.07.2022 under Prevention of Corruption Act, 1988 and NDPS Act. He was placed under suspension w.e.f. 06.07.2022 vide order dated 25.07.2022. A disciplinary proceeding has been initiated against him and for the said purpose on 28.07.2022, chargesheet has been served upon him. He was also implicated in FIR No.115 dated 15.07.2022 under Section 7 of Prevention of Corruption Act, 1988 and Sections 342/388/389/120-B of IPC at Police Station City Patti. He was also arrested in said FIR. The Home Department vide order dated 01.01.2025 has decided not to reinstate him due to aforesaid criminal cases.

3. Learned counsel for the petitioner submits that petitioner was implicated in FIR No. 62 dated 30.06.2022 under Sections 18 and 29 of

NDPS Act registered at Police Station Bhikhiwind, District Tarn Taran. He was arrested on 06.07.2022 and suspended from service. Police, after completing investigation, filed charge-sheet on 28.07.2023. The respondents after filing of the charge-sheet were required to extend period of suspension, however, suspension continued without extension. The investigating agency moved an application before the Trial Court for declaring him approver. Learned Sessions Judge allowed the application and declared him approver. At present, in the abovesaid criminal case, he is a prosecution witness instead of accused. The petitioner is prosecution witness in FIR No.62 whereas DIG Inderbir Singh and ASI Rashpal Singh are accused. The Investigating Agency has filed final report against them. The trial Court still has not framed charges.

4. Learned State counsel on being asked conceded that petitioner was served memorandum of charges, however, Inquiry Officer till date has not been appointed. He further submits that as per judgment of this Court in '*Ashish Kapoor Vs. State of Punjab and Anr.*', **Law Finder Doc ID#2721279** the suspension order remains in force till it is revoked or modified by competent authority.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that petitioner was implicated in the aforementioned FIR. Investigating Agency filed its report after concluding investigation. The petitioner agreed to become approver. The Investigating Agency moved an application before trial Court which declared petitioner as approver. He is now prosecution witness and trial is pending qua other accused. He was suspended by order dated 22.07.2022 and served memorandum of charges on

28.07.2023. This Court in *Ashish Kapoor (supra)* while interpreting Rule 4(5) of Punjab Civil Services (Punishment and Appeal) Rules, 1970 has held that suspension order remains in force until it is modified or revoked by the authority competent. The competent authority in the case in hand has not revoked or modified suspension order, thus, at the first blush case of petitioner seems to be covered by Rule 4(5)(a) read with judgment in *Ashish Kapoor (supra)*, however this Court cannot ignore the fact that petitioner has already been declared approver in criminal case and department has not proceeded against him after serving memorandum of charges dated 28.07.2023. As per judgment of Hon'ble Supreme Court in *Ajay Kumar Choudhary (supra)* he cannot be kept under suspension for an indefinite period. The respondent was duty bound to appoint Inquiry Officer and conclude proceedings at the earliest. It is settled law that no employee can be kept under suspension for an indefinite period. The petitioner is under suspension for last more than three years

7. In the wake of above discussions and findings, this Court is of the considered opinion that the petition deserves to be allowed and accordingly allowed. The respondents are hereby directed to reinstate him within two weeks from today.

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

(JAGMOHAN BANSAL)
JUDGE

February 27, 2026

Deepak DPA

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No