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

**CRM-M-64567-2024
DECIDED ON: 14.01.2026**

MANISH KUMAR**.....PETITIONER**

VERSUS

STATE OF HARYANA AND ORS**.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.**

Present: Mr. Raj Kumar, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J (ORAL)

1. Present petition has been filed by the petitioner for setting aside of the impugned speaking order dated 21.10.2024 (Annexure P-13) passed by respondent No.4 – Deputy Commissioner of Police, Panchkula, and for issuance of necessary directions to reconsider and take appropriate action against the culprits who are found involved in misusing the official and confidential service record of the petitioner.

2. It is noticed that earlier also, petitioner had filed a direction petition, i.e. CRM-M-38336-2024, seeking appropriate legal action against private respondent Nos.5 to 7 therein, on the ground that they had misused the documents pertaining to departmental confidentiality, which are protected under the Official Secrets Act, 1923, and vide order dated 09.08.2024, a Co-ordinate Bench of this Court disposed of the said petition, by issuing following directions:-



“4. Let the petitioner make a representation to the concerned Commissioner of Police in this regard, within two weeks from today. If the petitioner files a representation within the above-mentioned time period of two weeks, then, the same shall be decided by the concerned Commissioner of Police, within two months, either himself/herself or by authorizing and delegating it to any officer holding IPS cadre. It is clarified that such order must be a reasoned order, and the same be communicated to the representationists without delay. In the representation, petitioner to mention the email id of his counsel so that the concerned officer could communicate them the outcome.

5. Liberty reserved to the petitioner to file fresh petition or to take other legal remedies in accordance with the law.

6. It is clarified that there is no adjudication on merits. It is further clarified that this order shall not come in the way if the interrogation of the petitioner is required in any cognizable case.

7. There would be no need for a certified copy of this order, and any Advocate for the petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.”

3. In compliance with the aforesaid directions, an inquiry was conducted by the office of Deputy Commissioner of Police, Panchkula, upon entertaining the petitioner’s complaint, registered as Complaint No.45-CP-PKL-Darbar dated 24.08.2024. Upon completion of the inquiry, a report/order dated 21.10.2024 was prepared. The said report has once again been assailed by the petitioner before this Court.

Observations recorded by respondent No.4 – Deputy Commissioner of Police, Panchkula, in the impugned order, are reproduced as under:-



"In compliance of instructions dated 09.08.2024 passed in CRM-38336-2024- Manish Kumar Vs State Of Haryana- & in wake of instructions passed by Hon'ble Commissioner of Police, Panchkula, investigation was conducted by Deputy Commissioner of Panchkula itself. In the course of investigation, complainant and respondents were called & matter was inquired into and their statements were recorded. Complaint Branch was also asked about the complaints lodged in the past by complainant in this regard. It emerged that a complaint numbered 535-PESHI dated 07.12.2022 was given to Deputy Commissioner of Police by complainant which was investigated into by P.S.I.- Sh. Vikas Kumar, Police Station at Sector-14, Panchkula. As per report submitted by Sector-14 police station S.H.O., the complaint could not be established/verified and hence closure report was sent to office of Deputy Commissioner of Police by Inquiry Officer and same has been filed.

The main grievance of the complainant was that his "Confidential Documents" were stolen from HSRLM Head-Office by the respondents & used against him (Complainant). During the course of investigation it emerged that the complainant Sh. Manish Kumar was posted as D.P.M. OF HSRLM in Panchkula District. He was suspended for irregularities during his tenure in official record/files and his services were further terminated on account of it. It also emerged that he was reinstated after he filed 'Appeal'.

An FIR numbered 313 dated 13/11/2021 was lodged, against the complainant & Others at sector-14 police station under various sections numbered 419,420,467,468,471,120-B, of IPC & 66-C and 66-D of IT Act of 2000, by Sh. Arun Kumar, Senior Accounts Officer, Labour Commissioner Office, Sector-04, Panchkula; S/O Sh. Vijay Singh Currently residing at-House No.-1054, Sector-17, Panchkula; for sending a forged letter (forged signature) by creating fake e-mail id. During the course of investigation, complainant Sh. Manish Kumar S/O Sh. Surendra Kumar Sinha Resident of Village-Govindpur, P.O.-Datiyana, Dist-Patna, Bihar Currently Residing at Dream World Colony, Abdullapur, Near Peer Baba ki Mazar, Pinjore, Tehsil-Kalka, Dist-Panchkula) was arrested by police on 07.12.2021. "Challan" has been submitted in court on 16.04.2022 in which trial is pending in the court of Learned Magistrate Smt. Rekha



C.J./S.D./R.C./A.C.J.M./ Panchkula and whose next date of hearing has been fixed at 19.11.2024.

The grievance of the complainant was that his "Confidential Documents" were stolen from Head-Office of HSRLM by respondent. But as a matter of fact, respondent Sh. Rahul Yadav, DFM, HSRLM S/O/ Sh. Niranjana Lal currently residing at House number -2281, Sector-21, Part-3, Panchkula procured those documents under RTI Act of 2005 vide his RTI application dated 04.02.2022 and the same was provided to him by the department on 11.02.2022. The document procured under RTI Act by was shared with Rajbir by Sh. Rahul Yadav.

The complaints that were lodged by Shre Rajbir against Sh. Manish Kumar by using those documents, one such complaint was lodged with Deputy Commissioner of police at Panchkula which was numbered 692-PW dated 03.06.2022; as per report of SHO of Sector-14 Police Station, the said complaint was filed as a result of lodging of FIR numbered 313/2021. It has also come to the knowledge that Complainant Sh. Manish Kumar has moved to RTI Commission as the matter related to RTI.

It has also come to knowledge that the complainant Sh. Manish Kumar has lodged a civil suit numbered CS-167/2021, Manish Kumar Vs Dinesh Kumar & Others, against the respondents on 09.03.2021 and the same is under adjudication in Smt. Arunima the court of learned Magistrate Chauhan CJ/JD/ Panchkula and whose next date of hearing is fixed for 06.11.2024.

Respondent Rahul Yadav has lodged an FIR numbered 22 dated 12.01.2023 at sector-07 police-station of Panchkula under sections 409, 420, 467,468,471,34 of IPC against Manish Kumar S/O Sh. Surendra Kumar Sinha Resident of Village-Govindpur, P.O.-Datiyana, Dist-Patna, Bihar Currently Residing at Dream World Colony, Abdullapur, Near Peer Baba ki Mazar, Pinjore, Tehsil-Kalka, Dist-Panchkula) for misusing his administrative & financial powers during his tenure and causing financial loss to Department. The payments were released without the approval of competent authority. During investigation it was has emerged that no cognizable offence could be made under sections 34,467,468,471 of IPC & hence these sections has been dropped from FIR & section 201 was added. Manish Kumar was arrested in the process of investigation and after remand of two days was forwarded to Judicial custody on 17.09.2024. Accused



Manish Kumar has been granted bail vide order dated 18.10.2024 by the Court of learned ASJ Sh. Sunil Kumar. Investigation in this case has been completed and "Challan" prepared on 19.10.2024 & the same would be submitted before Hon'ble Court after cross-checking.

It has emerged during investigation that documents related to departmental inquiry against Manish Kumar has been procured by under RTI ACT of 2005 vide letter dated 11.02.2023 & these documents have not been found to be stolen by any employee. These documents were shared by Rahul Yadav with Sh. Rajbir Saroha who used these documents to lodge complaint with higher authorities, one of which was lodged with the office of DCP at Panchkula numbered 692-PW dated 03.06.2022, against Manish Kumar. The said complaint has been filed by the office of DCP. It has also come to knowledge that after dismissal from service which was followed with reinstatement of Manish Kumar, departmental inquiry has also been undergoing. It is to bring to knowledge that FIR numbered 313 lodged at sector-14 against complainant Manish Kumar is fixed for hearing on 19.11.2024 in the court. Challan in FIR number 22/2023 has also been prepared after investigation on 19.10.2024 & the same would be submitted in Hon'ble court after cross-checking. Besides, Civil Suit Numbered C.S.-167/2021 that has been filed by the complainant against the respondents is fixed for hearing in the court of Learned Magistrate Ms. Arunima Chauhan CJ/JD Panchkula for 06.11.2024. Nothing concrete has emerged during the investigation about the stealing of documents of Complainant Sh. Manish Kumar from Office and the complaint lodged is being filed. In the wake of order passed by Hon'ble High Court in CRM 38336-2024 Manish Kumar Vs State of Haryana, the advocate of Complainant is being informed separately.

Sd/-

(Himadri Kaushik, IPS)

*Deputy Commissioner of Police
Panchkula”.*

4. Upon perusal of the said report, it emerges that the documents relating to the departmental inquiry against Manish Kumar were procured under the Right to Information Act, and the said documents were never found to have been stolen by any employee.



It is further recorded that petitioner, Manish Kumar, is also facing FIR No.313 lodged at Police Station Sector 14, which was pending at the relevant time and, after completion of investigation, was due for submission of the *challan*. Additionally, a civil suit, i.e. CS No.167 of 2021, filed by the petitioner against the private respondents, is pending adjudication before the competent Courts at Panchkula.

5. Ultimately, respondent No.4 concluded in the impugned report, as under:-

“Nothing concrete has emerged during the investigation about the stealing of documents of the complainant, Sh. Manish Kumar, from the office, and accordingly, the complaint stands filed.”

6. It is further noticed by this Court that when the present petition was listed for the first time on 20.12.2024, the matter was adjourned to 24.03.2025, with a direction to the State to seek instructions. On 24.03.2025, there was no representation on behalf of the petitioner. Thereafter, on 19.05.2025, hearing in the matter was adjourned on request made by learned counsel for the petitioner. Again, on 04.09.2025, it was recorded that arguing counsel for the petitioner was unwell, and upon request, the proceedings were deferred to 04.11.2025. On 04.11.2025 as well, no arguments were advanced on behalf of the petitioner, and the matter was adjourned to 14.01.2026, i.e., today.

7. Even today, learned counsel appearing for the petitioner seeks an adjournment on the premise that he has received telephonic instructions merely to mark his appearance and seek an adjournment.



When this Court called upon learned counsel to address the arguments, observing that no further time could be permitted to be wasted, learned counsel expressed his inability on the ground that he neither possesses any *vakalatnama*/authority to appear or argue on behalf of the petitioner, nor he is possessed with copy of the present petition.

8. In these constrained circumstances, this Court has itself examined the impugned order, as discussed here above.

9. Since the factual findings have already been concluded to the effect that no offence, as alleged by the petitioner, is made out, this Court finds no ground to interfere while exercising powers under Section 528 of the BNSS, 2023. **Accordingly, present petition is dismissed.**

10. However, it shall remain open to the petitioner to avail any other alternative remedy, if available under law, before the appropriate Forum.

14.01.2026
Lavisha

(SANJAY VASHISTH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>