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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 19th March, 2026*+ **W.P.(C) 3520/2026 & CM APPL. 17027/2026**

JAIDEEP KUMAR

.....Petitioner

Through: Mr. Sudhir Naagar and Mr.
Bobby Choudhary, Advs.

versus

COMMISSIONER OF POLICE & ORS.Respondents

Through: Mr. Prajesh Vikram Srivastava,
SPC with Mr. Arvind, GP with
Ms. Anushikha Rathore, Advs.
for UOI.**CORAM:****HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE AMIT MAHAJAN****J U D G M E N T (O R A L)****AMIT MAHAJAN, J.**

1. The present Writ Petition is filed against the order dated 25.03.2025 (hereafter '**impugned order**') passed by the learned Central Administrative Tribunal in O.A. No. 1779/2022. By the impugned order, the learned Tribunal dismissed the O.A. preferred by the Petitioner and upheld the orders dated 03.06.2021 and 22.09.2021 passed by the disciplinary as well as appellate authority respectively awarding punishment of forfeiture of one-year approved service with permanent effect to the Petitioner.

2. Succinctly stated, the material facts germane to the adjudication of the present petition are as follows:

2.1. The Petitioner, a HC, is stated to be working in the Delhi



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Police. It is alleged that on 18.04.2020, the Petitioner, while being on duty rest along with one associate namely Rudra Pratap Singh illegally detained two persons namely – Chandan and Dinesh Sahoo on the pretext of theft of a vehicle and subsequently released them after extorting a sum of ₹42,000/- from them.

2.2. In that backdrop, a preliminary enquiry was conducted by ACP/Narela which revealed that on 18.04.2020 at about 8:19 PM, one Chandan was cleaning a vehicle bearing registration no. DL-1LX-2243 that was parked near Ramdev Chowk. In the meantime, some persons reached the spot including the Petitioner and his associate Rudra Pratap Singh and they started questioning Chandan. While the Petitioner was questioning Chandan on the pretence of suspicion of theft, the owner of the said vehicle – Dinesh Sahoo also reached the spot. Dinesh Sahoo informed the Petitioner that he was the owner of vehicle and stated that Chandan was merely cleaning his vehicle. On this, the Petitioner asked Dinesh Sahoo to produce ownership papers of the vehicle after which the Petitioner was informed that the vehicle was purchased from one person called Manjeet who had not transferred the vehicle in the name of Dinesh Sahoo thus far.

Thereafter, the Petitioner, in place of taking Chandan and Dinesh Sahoo to the Police Station for further enquiry, instead took them to Manjeet's dairy in his private vehicle to confirm the said facts. Post verification of the said facts from Manjeet, the Petitioner allegedly threatened to implicate them in a false case of theft and extorted a sum of ₹42,000 from them (₹13,000 from Chandan and ₹29,000/- from Dinesh Sahoo). Thereafter, the Petitioner released



them at Ramdev Chowk and threatened them not to disclose about the said incident to anyone. On the following day, that is, on 19.04.2020, Ramesh (younger brother of Dinesh Sahoo) made a PCR call in this regard. The said facts as noted *supra* were found during the course of the preliminary enquiry conducted by ACP/Narela. The statements of the persons involved being – Ramesh, Dinesh, Chandan and Manjeet were also recorded during the course of preliminary enquiry.

2.3. The Petitioner was placed under suspension w.e.f. 19.04.2020 *vide* order dated 01.05.2020 and was reinstated from suspension *vide* order dated 10.08.2020.

2.4. Post the conduction of the preliminary enquiry, a misconduct report was forwarded by ACP/Narela *vide* Diary No. 1562/ACP/Narela/Delhi. Thereafter, a departmental enquiry was conducted in terms of Delhi Police (Punishment and Appeal) Rules, 1980 which concluded that the charge against the Petitioner stood proved even though the star witnesses had turned hostile during the course of DE proceedings.

3. By order dated 03.06.2021, the Disciplinary authority awarded a punishment of forfeiture of one-year approved service with permanent effect to the Petitioner. The suspension period from 19.04.2020 to 09.08.2020 was decided as “not spent on duty” for all intents and purposes. Subsequently, by order dated 22.09.2021, the Appellate Authority rejected the appeal preferred by the Petitioner against the Punishment order. The Petitioner had thereafter preferred the subject O.A. No. 1779/2022 which was dismissed by the learned Tribunal by way of the impugned order. Aggrieved by the same, the



Petitioner has filed the present petition.

4. The learned counsel for the Petitioner submits that the learned Tribunal erred in upholding the findings recorded by the disciplinary as well as the appellate authority. He submits that the present case is one where the guilt of the Petitioner is not premised on any evidence. He submits that during the course of recording of evidence in DE, the public witnesses categorically denied any transaction, demand, payment or exchange of money made with the Petitioner and failed to depose anything to implicate the Petitioner. He submits that despite the same, the Enquiry Officer, in his report, mentioned that the Petitioner had '*won over the witnesses.*' He submits that reliance cannot be placed on the statements of the star witnesses that was recorded during the preliminary enquiry when the said witnesses in their evidence recorded during DE failed to point towards any alleged demand of money made by the Petitioner. He submits that the disciplinary authority mechanically accepted the report given by the Enquiry Officer and found the Petitioner guilty.

5. On the other hand, the learned counsel representing the Respondents contended that there is no infirmity in the impugned order so as to warrant any interference by this Court. It is further submitted that sufficient circumstantial evidence is available on the record to ascertain the guilt of the Petitioner.

6. In the present case, the Petitioner has assailed the concurrent findings of guilt recorded by the Disciplinary Authority, Appellate Authority and upheld by the learned Tribunal. The limited ground sought to be impressed upon this Court is that since the star witnesses



had turned hostile in their evidence recorded during the course of the DE and had failed to ascribe any allegation of extortion to the Petitioner, the finding of guilt is unsustainable.

7. At the outset, it is pertinent to note that the scope of judicial review under Article 226 of the Constitution of India is well settled. This Court in exercise of power under Article 226 does not sit in appeal over the findings recorded by the Disciplinary Authority and assume the role of an Appellate authority. It would be improper for this Court to interfere with the findings recorded during the course of departmental enquiry by the Disciplinary Authority or the enquiry officer as a matter of routine. Reappreciation of evidence and arrival of findings of facts is thus impermissible unless the findings are shown to be perverse or patently illegal.

8. Resorting now to deal with the limited ground pressed on behalf of the Petitioner that since the material witnesses had turned hostile during the course of evidence recorded in DE, their initial statement could not have been relied upon to determine the guilt of the Petitioner, it is pertinent to note that merely because the witnesses turned hostile, the same does not *ipso facto* render their initial statement inadmissible. The Disciplinary authority is well within its domain to assess the credibility of the witnesses and weigh contrasting statements in its quest to ascertain the guilt of the delinquent.

9. In that backdrop, the record would reveal that during the course of preliminary enquiry conducted by ACP/Narela, the material witnesses – Dinesh, Chandan and Ramesh, in their statements, asserted that the Petitioner had extorted money from Dinesh and



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Chandan [out of which ₹29,000/- was paid by Dinesh and ₹13,000/- was paid by Chandan]. These statements formed part of the record and were also considered by the enquiry officer/Disciplinary Authority.

10. During the course of the DE, the said witnesses – Dinesh, Chandan and Ramesh turned hostile and denied the factum of any money being demanded or accepted by the Petitioner. The witnesses – Dinesh and Chandan, however, acceded that on 18.04.2020, the Petitioner had accompanied them and visited Manjeet's dairy in his private car to verify whether the vehicle No. DL-1L-X-2243 had been sold by Manjeet to Dinesh. The said witnesses also emphatically proved that on 19.04.2020, Ramesh had called the Police and informed them about the alleged extortion by the Petitioner. They also identified their signatures on their statements recorded before the Police. In the similar fashion, while Ramesh turned hostile on the factum of alleged demand of money, he affirmed that the mobile number from which the call was made was used by him and it was he who had made the PCR call from his mobile number. Ramesh also confirmed that his statement was recorded by the Narela Police Officials and also identified his signature on the statement.

11. At this juncture, it is also relevant to note that the preliminary enquiry was conducted by ACP/Narela who was also examined as a witness during the course of the DE. ACP Narela – Nirav Patel along with ATO/Narela – Radhey Shyam deposed about the manner of recording of statements and the contents of the statements of the material witnesses during the course of the preliminary enquiry. It is relevant to note that despite opportunity being provided, no question



was put to them that the initial statements given by the material witnesses were incorrect or given under any threat.

12. In such circumstances, on an appraisal of the material on record, this Court does not find any perversity in the findings rendered by the Disciplinary Authority, Appellate Authority and the learned Tribunal. This Court rather concurs with the concurrent findings that if any suspicion of theft came to the notice of the Petitioner, it was his duty to have called the emergency officer from the Police Station immediately and ought to have handed over the doubtful persons to the concerned Police authorities on duty. The Petitioner instead, while being on duty rest, took the matter into his own hands and took both Dinesh and Chandan to Manjeet's dairy in his private car. The standard of proof in departmental proceedings is not one beyond reasonable doubt but of preponderance of probabilities which in the present case has been met.

13. In view of the aforesaid discussion, in the opinion of this Court, the impugned order does not warrant any interference.

14. The present writ petition is accordingly dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J

ANIL KSHETARPAL, J

MARCH 19, 2026

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