



CWP-5202-2025

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

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CWP-5202-2025

Date of Decision: 24.02.2025

Haripal

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Ashwini Sharma Advocate for the petitioner  
(*through video conferencing*)

Ms. Rajni Gupta, Additional Advocate General, Haryana

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**JAGMOHAN BANSAL, J.** (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondent to defer the departmental proceedings till the conclusion of trial arising out of FIR No.183 dated 10.06.2024 (Annexure P-1) under Sections 147, 148, 294, 323, 354-B, 506 of Indian Penal Code, 1860 registered at Police Station Khol, District Rewari.

2. The petitioner is working with Haryana Police as Constable. He was embroiled in FIR No.183 dated 10.06.2024. He was suspended on 21.10.2024. The respondent-State initiated proceedings against him. He was served charge sheet dated 21.10.2024. The prosecution has examined witnesses in the departmental proceedings. The police after completing investigation has already presented its report before the Trial Court.

3. Learned counsel for the petitioner submits that case of the petitioner is squarely covered by judgment of Supreme Court in ***Capt. M.***



***Paul Anthony v. Bharat Gold Mines Limited, 1999(3) SCC 679.*** The foundation of trial as well as departmental proceedings is same, thus, unless and until he is found guilty, he should not be departmentally punished.

4. *Per contra*, learned State counsel submits that a Coordinate Bench of this Court after noticing judgment of Supreme Court in ***Capt. M. Paul Anthony's (supra)*** has dismissed a bunch of petitions including ***CWP No.15845 of 2023, Tulsi Dass v. State of Haryana and others.*** The aggrieved officials preferred Intra-Court Appeals including ***LPA No.1255 of 2024*** and ***LPA No.1146 of 2024.*** The Intra-Court Appeals stand dismissed vide judgment dated 22.05.2024 and 08.05.2024.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

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.

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

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8. In the backdrop, this Court is of the considered opinion that present petitions deserve to be dismissed and accordingly dismissed.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**24.02.2025***Mohit Kumar*

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