



CWP-581-2025

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

CWP-581-2025

Date of Decision: 12.05.2025

SUBHASH SINGH

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Raman Sharma, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside;

- (i) Charge-sheet dated 24.02.2023 (Annexure P-17);
- (ii) Order dated 21.02.2023 (Annexure P-15) and order dated 09.10.2024 (Annexure P-16) whereby departmental enquiry was initiated against him; and
- (iii) Letter dated 17.02.2024 (Annexure P-14)

He is further seeking direction to official respondents not to proceed with the departmental inquiry till the pendency of investigation/trial in FIR No.259 dated 18.10.2022, under Section 384, 506, 511 and 120B and Sections 195, 195-A and 201 of IPC, 1860 (added later on) registered at Police Station Sector 9, Ambala City, District

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Ambala (Annexure P-4) and FIR No.77 dated 26.03.2022, under Section 323, 376 (2) (n), 379B and 506 registered at Police Station Women, District Yamuna Nagar (Annexure P-1).

2. The petitioner joined Haryana Police Force as P/SI on 30.09.2010 and was promoted as officiating Inspector w.e.f. 31.12.2018. One Manoj Kumar moved an application before Home Minister for fair and impartial investigation of FIR No.240 dated 30.09.2022, under Sections 376 and 506 of IPC, 1860 read with Section 3 of SC/ST Act, registered at Police Station Sector 9, Ambala City. Inquiry was entrusted to DSP, Ambala who in his report found involvement of the petitioner in registering a false case against Manoj Kumar. On the basis of report of DSP, Ambala, the petitioner was placed under suspension and regular enquiry was initiated against him. The Enquiry Officer found him guilty. The respondent on account of another misconduct initiated another departmental enquiry and issued charge sheet dated 03.11.2022. The petitioner was also found guilty in the second enquiry. He filed Civil Writ Petition No.28914 of 2022 before this Court which stayed departmental proceedings, however, writ petition came to be dismissed as withdrawn vide order dated 30.10.2023. The Disciplinary Authority dismissed him from service vide order dated 09.05.2023. He preferred an appeal before Appellate Authority which set aside order of dismissal from service and reinstated him. The punishment of dismissal from service was substituted by stoppage of two future annual increments with permanent effect. The dismissal period was ordered to be treated as *dies non* for all intent and purposes.

3. The petitioner is implicated in FIR No.259 dated 18.10.2022,



under Section 384, 506, 511 and 120B and Sections 195, 195-A and 201 of IPC, 1860 and FIR No.77 dated 26.03.2022, under Section 323, 376 (2) (n), 379B and 506 of IPC. He unsuccessfully preferred anticipatory bail before this Court as well as Supreme Court in aforesaid FIRs. He surrendered before Special Investigating Team on 14.07.2023. The police after completing investigation filed its report under Section 173 Cr.P.C. on 08.09.2023. The police report in FIR No.259 dated 18.10.2022 was submitted before trial Court on 22.09.2023.

4. Learned counsel for the petitioner submits that petitioner was charge sheeted vide charge sheet dated 29.10.2022 *qua* FIR No.259 dated 18.10.2022. The said charge sheet is still pending. The Department has concluded inquiry and he has been issued show cause notice. The respondent has issued impugned charge sheet with respect to same FIR i.e. FIR No.259 dated 18.10.2022. The petitioner would be subjected to two inquiries with respect to same offence.

5. Learned State counsel submits that there is reference of FIR No.259 dated 18.10.2022 in charge sheet dated 24.02.2023, however, no proceedings would be conducted *qua* said FIR. The charge sheet is with respect to FIR No.77 dated 26.03.2022 though there is reference to FIR No.259 dated 18.10.2022. The department is going to conduct second inquiry with respect to said FIR.

6. In the wake of statement of learned State counsel, it is hereby clarified that in view of pendency of departmental inquiry *qua* FIR No.259 dated 18.10.2022, the petitioner would not be subjected to proceedings *qua* said FIR in charge sheet dated 24.02.2023. The department would be free to proceed with respect to FIR No.77 dated



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26.03.2022 or any other FIR which may be pending against the petitioner.

The petitioner would be at liberty to raise all issues before the Authorities.

7. Disposed of.

**(JAGMOHAN BANSAL)
JUDGE**

12.05.2025

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No