



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

117+296

CWP-31525-2024 (O & M)
Date of Decision: 21.01.2025

Narender Singh

.....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Manish Soni, Advocate,
for the petitioner.

Ms. Dimple Jain, DAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 29.05.2024 (Annexure P-9) whereby Deputy Commissioner of Police, Headquarters Gurugram has initiated departmental proceedings against him.
2. Reply on behalf of respondent Nos.1 to 3 has been filed in Court today, which is taken on record. Registry is directed to tag the same at appropriate place.
3. The petitioner is part of Haryana Police Force and holding rank of Sub Inspector. On account of complaint dated 24.09.2020 lodged by Rahul s/o Suresh Chander, a departmental inquiry was initiated against him which was dropped vide order dated 28.09.2021. The Inquiry Officer did not find substance in the complaint. The Disciplinary Authority agreed with the report of Inquiry Officer and dropped the proceedings. The relevant extracts of order



dated 28.09.2021 passed by Disciplinary Authority are reproduced as below:-

*“I have gone through the departmental enquiry file, finding report of the Enquiry Officer carefully and noticed that the conclusion of the Enquiry Officer is based on the statement of PWs, DWs and defence statement and found nothing to turn down the contentions of the Enquiry Officer. In view of the above and after taking into consideration the totality of the facts and circumstances and agreeing with the finding report of the Enquiry Officer, **the departmental enquiry initiated against SI Narender No. 113/GGM & HC Azad Singh No. 741/GGM is hereby filed.***

4. The petitioner came to be implicated in FIR dated 08.03.2022. On account of FIR, the Disciplinary Authority initiated fresh inquiry which was withdrawn vide order dated 19.04.2022. The relevant extracts of order dated 19.04.2022 are reproduced as below:-

“In view of the above, departmental enquiry initiated against SI Narender Singh No.133/GGM and HC Azad Singh No. 741/GGM vide this office order No. 7230-39/A-II dated 13.04.2022 is hereby withdrawn.

5. The petitioner came to be arrested on 27.09.2023 and Disciplinary Authority vide order dated 29.05.2024 ordered to conduct fresh inquiry under Rule 16.24 of the Punjab Police Rules, 1934 (as applicable to the State of Haryana) (in short 'the 1934 Rules').

He was served summary of allegations dated 05.06.2024.

6. Mr. Manish Soni, learned counsel for the petitioner submits that petitioner on account of dropping of two earlier proceedings cannot be subjected to third inquiry. The respondent has no right to initiate third inquiry on the same set of allegations. The act of respondent amounts to misuse of power and abuse of process of law.



7. Ms. Dimple Jain, DAG, Haryana submits that there are serious allegations against the petitioner. He was arrested in the FIR dated 08.03.2022. The FIR has been registered under the Prevention of Corruption Act, 1988. Discipline and integrity are of paramount consideration in the Police Force.

8. I have heard the arguments and perused the record.

9. From a perusal of record, it is evident that FIR dated 08.03.2022 has been registered against the petitioner. He was arrested in the said FIR and remained in custody for 40 days. The police is investigating the matter and till dated challan has not been presented. He is subjected to third inquiry on the basis of same set of allegations and made by same person. The petitioner may be found guilty in the criminal proceedings. The edifice of departmental proceedings is criminal proceedings. As per Rule 16.3 of the 1934 Rules, a Police Officer cannot be subjected to departmental proceedings if he is acquitted in criminal proceedings unless and until on the technical grounds or where witnesses turn hostile. As per Rule 16.2 (2) of the 1934 Rules, a Police Officer is liable to be dismissed if he is convicted by Criminal Court.

In case of conviction, the department, in view of Rule 16.2(2) read with Rule 16.3 of the 1934 Rules, has right to dismiss or grant any other punishment. The petitioner has been found innocent in two departmental inquiries. Thus, to maintain the balance, this Court finds it appropriate to direct the respondents to keep departmental proceedings in abeyance till the conclusion of criminal proceedings. This Court, while issuing this direction is conscious of the fact that normally departmental proceedings are not kept in abeyance on the ground of pendency of criminal proceedings.

10. Disposed of.



11. Pending application, if any, also stands disposed of.

21.01.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
Yes