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

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Date of Decision: 07.08.2025

BALJIT SINGH

...Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present:- Mr. D.S. Patwalia, Senior Advocate with  
Mr. A.S. Chadha, Advocate for the petitioner

Mr. Aman Dhir, DAG Punjab

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

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of inquiry dated 16.12.2024 (Annexure P-12) and report dated nil (Annexure P-14) whereby he has been held guilty of false and frivolous allegations relating to alteration of revenue record and filing of Court cases. He is further seeking setting aside of orders dated 22.05.2025 and 28.05.2025 whereby departmental inquiry has been initiated against him.

2. The petitioner joined Punjab Police as Constable in 1989. He is in possession of land measuring approximately 10 Acres situated in Village Machijowa, Sultanpur Lodhi, Kapurthala. Jasbir Kaur and Manjit Kaur filed civil suit against the petitioner seeking direction to restrain him from accessing the land. The petitioner preferred *CWP No.23334 of 2023*

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seeking direction to revenue authorities restraining them from altering the revenue record at the behest of Jasbir Kaur and Manjit Kaur. He filed *CRWP No.12206 of 2023* before this Court seeking direction for protection of his and his family's life and liberty. The said petition was disposed of with a direction to respondents to decide his representation. The petitioner on 01.05.2024 filed complaint against Jasbir Kaur and Manjit Kaur alleging fabrication of revenue record and producing before Civil Court. The respondent did not take action on said complaint, thus, he filed CRM-M No.25846 of 2024 before this Court seeking action on said complaint. This Court vide order dated 22.05.2024 disposed of said petition with the direction to respondent authorities to decide fate of said complaint. DGP directed the DIG-Jalandhar Range to look into the complaint dated 01.05.2024 filed by the petitioner. Jasroop Kaur Bath, IPS conducted inquiry into the aforesaid complaint and submitted her report dated 18.07.2024. The said Officer submitted another inquiry report dated 08.08.2024. The petitioner was not supplied copy of either report dated 18.07.2024 or 08.08.2024. The said Officer submitted third report dated 16.12.2024 wherein serious allegations were imputed against petitioner and he was held guilty of altering revenue record and harassing police officials by filing Court cases. The inquiry officer submitted another undated report imputing allegations against the petitioner. The respondent by order dated 22.05.2025 has initiated departmental inquiry against the petitioner.

3. Learned senior counsel for the petitioner submits that



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respondent has not followed procedure prescribed under Rule 16.24 of PPR. The respondent has straightway appointed inquiry officer, whereas, respondent was supposed to issue chargesheet and after getting reply from petitioner, inquiry could be initiated. The respondent is biased and unfair which is evident from the fact that respondent has ordered to conduct enquiry on day to day basis and inquiry officer has been directed to report fortnightly progress of the inquiry. The respondent is alleging that petitioner has forged revenue record. The question of manipulation of revenue record is pending before the Civil Court. The petitioner is claiming that his cousins are wrongly claiming ownership over the land in dispute. The respondent has wrongly concluded that it is the petitioner who has forged/manipulated revenue record. The said finding would spoil his claim before Civil Court. As dispute is pending before Civil Court, the respondent cannot conduct inquiry alleging forging of revenue record.

4. *Per contra*, learned State counsel submits that inquiry officer has been appointed and proceedings would proceed in accordance with Rule 16.24 of PPR. The chargesheet would be served by inquiry officer and response of petitioner would be sought. If he will not plead guilty, the proper inquiry in the form of recording of evidence would be conducted.

5. I have heard learned counsel for the parties and perused the record of the case.

6. From the perusal of record, it is evident that there is dispute



between petitioner and his cousins with respect to a piece of land. Both sides are claiming that there is manipulation of record. Matter is pending before Civil Court. It is Civil Court which has to determine rights of contesting parties. If without adjudication of civil suit it is concluded that petitioner had forged revenue record, it would affect outcome of civil suit.

7. The petitioner is claiming that he has not been served chargesheet as required by Rule 16.24 of PPR. The argument of petitioner cannot be countenanced because respondent has appointed inquiry officer which is first step of disciplinary proceedings. Rule 16.24 of the PPR reads as:-

*“16.24. Procedure in departmental enquiries.-(1) The following procedure shall be followed in departmental enquiries –*

- (i) The police officer accused of misconduct shall be brought before an officer empowered to punish him, or such superior officer as the Superintendent may direct to conduct the enquiry. That officer shall record and read out to the accused officer a statement summarizing the alleged misconduct in such a way as to give full notice of the circumstances in regard to which evidence is to be recorded. A copy of the statement will also be supplied to the accused officer free of charge.*
- (ii) If the accused police officer at this stage admits the misconduct alleged against him, the officer conducting the enquiry may proceed forthwith to frame a charge, record the accused officer's plea and any statement he may wish to make in*



*extenuation and to record a final order, if it is within his power to do so, or a finding to be forwarded to an officer empowered to decide the case. When the allegations are such as can form the basis of a criminal charge, the Superintendent shall decide at this stage, whether the accused shall be tried departmentally first and judicially thereafter.*

*(iii) If the accused police officer does not admit the misconduct, the officer conducting the enquiry shall proceed to record such evidence, oral and documentary, in proof of the accusation, as is available and necessary to support the charge. Whenever possible, witnesses shall be examined direct, and in the presence of the accused, who shall be given opportunity to take notes of their statements and cross-examine them. The officer conducting the enquiry is empowered, however, to bring on to the record the statement of any witness whose presence cannot, in the opinion of such officer, be procured without undue delay and expense or inconvenience, if he considers such statement necessary, and provided that it has been recorded and attested by a police officer superior in rank to the accused officer or by a magistrate, and is signed by the person making it. This statement shall also be read out to the accused officer and he shall be given an opportunity to take notes. The accused shall be bound to answer any questions which the enquiring officer may see fit to put to him with a view to elucidating the facts referred to in statements or documents brought on the record as herein provided.*

*(iv) When the evidence in support of the allegations has been recorded the enquiring officer shall, (a) if he*



*considers that such allegations are not substantiated, either discharge the accused himself, if he is empowered to punish him, or recommend his discharge to the Superintendent, or other officer, who may be so empowered, or (b) proceed to frame a formal charge or charges in writing, explain them to the accused officer and call upon him to answer them.*

- (v) *The accused officer shall be required to state the defence witnesses whom he wishes to call and may be given time, in no case exceeding forty eight hours, to prepare a list of such witnesses, together with a summary of the facts as to which they will testify. The enquiring officer shall be empowered to refuse to hear any witnesses whose evidence he considers will be irrelevant or unnecessary in regard to the specific charge framed. He shall record the statements of those defence witnesses whom he decides to admit in the presence of the accused, who shall be allowed to address questions to them, the answers to which shall be recorded; provided that the enquiring officer may cause to be recorded by any other police officer superior in rank to the accused the statement of any such witness whose presence cannot be secured without undue delay or inconvenience, and may bring such statement on to the record. The accused may file documentary evidence and may for this purpose be allowed access to such files and papers, except such as form part of the record of the confidential office of the Superintendent of Police, as the enquiring officer deems fit. The supply of copies of documents to the accused shall be subject to the ordinary rules regarding copying fees.*



- (vi) *At the conclusion of the defence evidence, or, if the enquiring officer so directs, at any earlier stage following the framing of a charge, the accused shall be required to state his own answer to the charge. He may be permitted to file a written statement and may be given time, not exceeding one week, for its preparation, but shall be bound to make an oral statement in answer to all questions which the enquiring officer may see fit to put to him, arising out of the charge, the recorded evidence, or his own written statement.*
- (vii) *The enquiring officer shall proceed to pass orders of acquittal or punishment, if empowered to do so, or to forward the case with his finding and recommendations to an officer having the necessary powers. Whenever the officer passing the orders of punishment proposes to take into considerations the adverse entries on the previous record of the accused police officer, he shall provide reasonable opportunity to the defaulter to defend himself; and a copy or at least a gist of those entries shall be conveyed to the defaulter and he shall be asked to convey to the defaulter and he shall be asked to give such explanation as he may deem fit. The explanation furnished by the defaulter shall be taken into account by the officer before passing orders in the case.*
- (viii) *Nothing in the foregoing rule shall debar a Superintendent of Police from making or causing to be made a preliminary investigation into the conduct of a suspected officer. Such an enquiry is not infrequently necessary to ascertain the nature and degree of misconduct which is to be formally enquired into. The suspected police officer may or*



*may not be present at such preliminary enquiry, as ordered by the Superintendent of Police or other gazetted officer initiating the investigation, but shall not cross-examine witnesses. The file of such a preliminary investigation shall form no part of the formal departmental record, but statements therefrom may be brought to the formal record when the witnesses are no longer available in the circumstances detailed in clause (iii) above. All statements recorded during a preliminary investigation should be signed by the person making them and attested by the officer recording them.*

- (2) (i) *Notwithstanding anything contained in sub-rule (1) a Superintendent of Police or any officer of rank higher than Superintendent, may institute, or cause to be instituted, ex parte proceedings in any case in which he is satisfied that the defaulter cannot be found or that in spite of notice to attend the defaulter is deliberately evading service or refusing to attend without due cause.*
- (ii) *The procedure in such ex parte proceedings shall, as far as possible, conform to the procedure laid down in sub-rule (1): Provided that the defaulter shall be deemed –*
- (a) *not to have admitted the allegations contained in the summary of misconduct, and*
- (b) *to have entered a plea of not guilty of the charge:*
- Provided further that the defaulter, if he subsequently appears at any stage during the course of the proceedings shall not be entitled to claim de novo proceedings or to recall for cross-examination any witness whose evidence has already been recorded. He shall, however, be fully informed of the evidence which has been led against him and shall be permitted to take notes thereof. He shall also*



*be furnished with a copy of the summary of misconduct and of the charge or charges framed.*

*(3) Notwithstanding anything contained in these rules, where an officer, empowered to dismiss, remove or reduce in rank the police officer accused of misconduct, is satisfied at any stage during an enquiry that for reasons, to be recorded in writing by that officer, it is not reasonably practicable to hold the enquiry after that stage, he will straight-away award the punishment.*

***Explanation*** - *For the purposes of sub-rule (3), initiation of disciplinary proceedings against the police officer on the grounds of,-*

- (i) indulging in spying or smuggling activities;*
- (ii) disrupting the means of transport or of communication;*
- (iii) damaging public property;*
- (iv) creating indiscipline amongst fellow policemen;*
- (v) promoting feelings of enmity or hatred between different classes of citizens of India on grounds of religion, race, caste, community or language;*
- (vi) going on strike or mass casual leave or resorting to mass abstentions;*
- (vii) spreading disaffection against the Government; and*
- (viii) causing riots and the like;*

*shall be sufficient reason for concluding that it is not reasonably practicable to hold the enquiry*

***[Emphasis supplied].”***

8. The Rule 16.24 (i) provides that officer shall record and read out to the accused officer statement summarizing the alleged misconduct in such a way as to give full notice of the circumstance in regard to which evidence is to be recorded. A copy of the statement has to be supplied to the accused officer. It means the enquiry officer before proceeding

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further would make sure that a copy of statement of alleged misconduct is supplied to the petitioner. Thus, claim of petitioner is premature.

9. In the wake of above discussion and findings, this Court does not find it appropriate to interdict the departmental proceedings, however, it would not be in the fitness of things and interest of justice, if disciplinary authority prior to adjudication of civil suit comes to a conclusion that petitioner had forged revenue record.

10. In the backdrop, this Court finds it appropriate to permit the respondent to proceed with departmental enquiry under Rule 16.24 of PPR, however, final order shall not be passed till the order passed by Civil Court in suit bearing No.CS-219-2022 pending before Additional Civil Judge (SD), Sultan Pur Lodhi, District Kapurthala.

11. Disposed of.

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

**07.08.2025***Deepak DPA*

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No