

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

**CWP No. 13845 of 2012 (O&M)**

Date of decision : 15.1.2015

Amit Kumar

.. Petitioner

versus

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal**

Present: Mr. Harkesh Manuja, Advocate, for the petitioner.

Mr. Jasmeet Singh Bedi, Addl. Advocate General, Haryana.

**Rajesh Bindal, J.**

The petitioner, who was selected and recruited as Constable in Haryana Police, has filed the present petition seeking a direction to the respondents to reinstate him in service as he has been acquitted by the learned Sessions Judge, Narnaul, in a case registered against him vide FIR No. 186 dated 8.6.2009, under Sections 363, 366A, 376 IPC, at Police Station Mohindergarh.

Learned counsel for the petitioner submitted that the petitioner was recruited as Constable on 6.7.2008 in Haryana Police. While he was undergoing training in IRB, Bhondsi, a false case was registered against him vide FIR No. 186 dated 8.6.2009, under Sections 363, 366A, 376 IPC, at Police Station Mohindergarh. He was taken into custody on 9.6.2009. Vide order dated 11.6.2010 passed under Rule 12.21 of the Punjab Police Rules, 1934 (for short, 'the Rules'), the petitioner was discharged from service. As the petitioner has now been acquitted from charges vide judgment dated 21.12.2011, he is entitled to be reinstated back in service as the sole ground of petitioner's discharge was his involvement in the aforesaid case.

On the other hand, learned counsel for the State submitted that the petitioner was involved in the case. He remained in custody throughout the trial. It was only because the prosecutrix turned hostile while not supporting the prosecution version and the statement made by her initially, the petitioner has been acquitted while giving him the benefit of doubt. It is

not an honourable acquittal. Under these circumstances, in case the petitioner has been discharged under Rule 12.21 of the Rules, the observations in the order that he is not likely to prove an efficient police official, cannot be faulted with.

Heard learned counsel for the parties and perused the paper book.

The facts regarding recruitment of the petitioner in Haryana Police on 6.7.2008 and registration of case bearing FIR No. 186 dated 8.6.2009, under Sections 363, 366A, 376 IPC, at Police Station Mohindergarh, are not in dispute. As a consequence of registration of case and arrest of the petitioner on 9.6.2009, he was discharged from service under Rule 12.21 of the Rules vide order dated 11.6.2010.

The claim for reinstatement in service has been made taking the plea that vide judgment dated 21.12.2011, the petitioner has been acquitted. However, a perusal of the judgment shows that the petitioner has been given benefit of doubt. The prosecutrix resiled from her initial statement and did not support the prosecution version. Initially she was not even traceable. With great difficulty after statement of the accused under Section 313 Cr. P.C. had been recorded that she was produced in Court. She has already married and living with her in-laws. Probably this may be one of the reason for her in not supporting the prosecution version. The learned Sessions Judge has acquitted the accused by giving benefit of doubt. He has not been acquitted honourably. Hon'ble the Supreme Court in State of M. P. and others vs Parvez Khan, 2015 (1) SCT 114, opined that the acquittal giving the benefit of doubt does not mean that the person was not involved in the case. It only means that the prosecution had not been able to prove the case. The charges against the petitioner were quite serious. Hence, in my opinion, he does not deserve to be granted reinstatement in service.

The writ petition is dismissed.

15.1.2015  
vs

( Rajesh Bindal )  
Judge