

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(103)

LPA-715-2023

Decided on : 03.04.2024

Satnam Singh

.....Appellant(s)

Versus

State of Punjab & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,  
ACTING CHIEF JUSTICE  
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr.H.S.Batth, Advocate for the appellant (s).

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**G.S. Sandhawalia, Acting Chief Justice (Oral)**

1. Consideration in the present appeal is to the judgment dated 22.03.2023 passed by the Learned Single Judge in CWP-15886-2021 whereby the relief sought for rejoining as Constable in compliance of the order dated 23.12.2016 passed by this Court in CWP-16191-1997, was declined.

2. The Learned Single Judge noticed that the claim of the writ petitioner had been considered by the respondent-Police authorities and while his character was being verified to test his eligibility, it was noticed that there were 2 FIRs registered against him and one under Sections 307, 326, 323, 324, 148, 149 IPC at Police Station Gharinda had led to the conviction on 01.09.1999. The details are as under:

1) FIR No.36 of 1994 under Sections 307, 326, 323, 324, 148, 149 IPC, Police Station Gharinda whereby the appellant was sentenced to undergo three years imprisonment, which was reduced to one year on account of compromise;

2) FIR No.124 dated 14.08.2017 under Sections 336, 323, 148, 149 IPC and under Sections 25, 54, 59 of the Arms Act, Police Station Gharinda, whereby the appellant had been kept in column no.2.

3. In CRA-869-SB-1999, the sentence of the writ petitioner under Section 307 IPC has been reduced to one already undergone on 15.07.2010 on account of a compromise having been effected. It is in such circumstances, the Learned Single Judge recorded the finding that the writ petitioner was a convict in principle and he was never acquitted on merits and therefore, could not be considered for appointment against the 159 vacant posts in which he had sought the necessary relief.

4. We are of the considered opinion that the findings which have been recorded by the Learned Single Judge do not suffer from any infirmity. The Apex Court has time and again held that a person in uniform cannot have any criminal antecedents or a background and the authorities were well justified in not considering the case of a person who had been a convict. Reliance can be placed upon the judgments of the Apex Court in **Commissioner of Police, New Delhi & another Vs. Mehar Singh, (2013) 7 SCC 685** and **Imtiyaz Ahmad Malla Vs. The State of Jammu & Kashmir & others, 2023 AIR (SC) 1308**. In Mehar Singh (supra), the Apex Court has held as under:

“28. The police force is a disciplined force. It shoulders the great responsibility of maintaining law and order and public order in the society. People repose great faith and confidence in it. It must be worthy of that confidence. A candidate wishing to join the police force must be a person of utmost rectitude. He must have impeccable character and integrity. A person having criminal antecedents will not fit in this category. Even if he is acquitted or discharged in the criminal case, that acquittal or discharge order will have to be examined to see whether he has been completely exonerated in the case because even a possibility of his taking to the life of crimes poses a threat to the discipline of the police force. The Standing Order, therefore, has entrusted the task of taking decisions in these matters to the Screening

Committee. The decision of the Screening Committee must be taken as final unless it is mala fide. In recent times, the image of the police force is tarnished. Instances of police personnel behaving in a wayward manner by misusing power are in public domain and are a matter of concern. The reputation of the police force has taken a beating. In such a situation, we would not like to dilute the importance and efficacy of a mechanism like the Screening Committee created by the Delhi Police to ensure that persons who are likely to erode its credibility do not enter the police force. At the same time, the Screening Committee must be alive to the importance of trust reposed in it and must treat all candidates with even hand.”

5. As noticed, the conviction is under Section 307 IPC by the Addl.Sessions Judge, Amritsar. Even otherwise, if the writ petitioner had been in service at an earlier point of time also, he would have necessarily faced the dismissal under Article 311 of the Constitution of India on account of his sheer conviction without any departmental proceedings also being resorted to. In such circumstances, we are of the considered opinion that the prayer for consideration which had been shelved at that point of time and could not be processed on account of the criminal proceedings also cannot be re-agitated by virtue of a prayer for mandamus only on account of the fact that the criminal proceedings had culminated in a compromise on 15.07.2010 regarding a selection process pertaining to the year 1993.
6. Resultantly, in view of the above discussion, finding no merit in the present appeal, same is dismissed in limine.

(G.S. SANDHAWALIA)

ACTING CHIEF JUSTICE

03.04.2024

Sailesh

(LAPITA BANERJI)

JUDGE

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes |    |
| Whether Reportable :        |     | No |