



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

CWP-357-2025

Date of Decision: 04.04.2025

Sonu Jaglan

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 27.12.2024 (Annexure P-5) whereby he has been terminated from service.

2. The petitioner, pursuant to advertisement No.6/2024 dated 28.06.2024 applied for the post of Constable vide application dated 14.06.2021. There was column in the application form with respect to pending FIR. He did not disclose factum of pending FIR No.78 which was registered against him on 16.05.2021 under Sections 376(2)(n), 498-A, 506, 34 IPC at Women Police Station, Panipat. The FIR was lodged by his estranged wife. He applied under EWS Category and participated in the Common Eligibility Test as per prescribed procedure. As he cleared written test and his name figured in the list of qualified candidates, he was permitted to participate in the second stage exam which was held in 2024. The final result was declared in 2024 and name of petitioner figured



in the final result. He cleared Physical Measurement Test as well as Physical Scrutiny Test. His name was finally recommended for the post of Constable .

He joined service subject to verification of his credentials. He submitted attestation-cum-verification form wherein he disclosed factum of afore-stated FIR. The respondent on account of aforesaid FIR terminated his services.

3. Mr. Raj Kumar, Advocate submits that petitioner *bona fide*ly and honestly disclosed pending FIR before the Authorities in attestation-cum-verification form. The FIR was registered in May' 2021 and application form was filed in June' 2021. The petitioner cleared all the tests and his name was recommended by competent authority. Director General of Police, Haryana, vide order dated 18.10.2024 directed different authorities to issue appointment letters to candidates subject to pending verification of character & antecedents, medical certificate of fitness and biometric/facial verification attendance. The police has filed challan under Section 173 of Code of Criminal Procedure, 1973 and charges have been framed. His case is squarely covered by Rule 12.18(3)(b)&(c) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short 'PPR') and may be permitted to serve.

4. Notice of motion.

5. Mr. Aman Dhir, DAG, Punjab, accepts notice on behalf of respondent-State.

6. With the consent of both sides, the matter is taken up for final adjudication.

7. *Per contra*, learned State counsel submits that it is factually correct that in attestation-cum-verification form, the petitioner disclosed factum of pending FIR. However, he did not disclose the same in the application form. FIR



was registered prior to filing application form. Selection process was concluded in 2024. The petitioner himself disclosed factum of pending FIR after declaration of his result and authorities terminated his services.

8. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

9. The entire controversy involved in the instant case is centered around reading of Rules 12.16(4) and 12.18 of PPR. For the ready reference, Rules 12.16(4) and 12.18 are reproduced as below: -

Rule 12.16 Procedure for direct recruitment:-

- (1) XXXX XXXX XXXX XXXX
- (2) XXXX XXXX XXXX XXXX
- (3) XXXX XXXX XXXX XXXX

(4) Applications:-

- (a) If an F.I.R. is lodged/is pending against a candidate, he shall not be treated eligible for application, if charges are framed against him.
- (b) Applications with prescribed fee shall be received online. The information submitted online by the candidates shall be final.
- (c) Roll number shall be allotted to the eligible candidates and put on the official website of the Haryana Staff Selection Commission. Once the roll numbers are allotted, the candidate shall be able to generate to join the process of selection.”

“12.18. Verification of character and antecedents:-

- (1) The appointing authority shall send the verification forms of candidates recommended for appointment by the Haryana Staff Selection Commission to the district police and Criminal Investigation Department with a copy to the District Magistrate for the verification of character and antecedents, as per Form No. 12.18 and Government instructions issued from time to time on the subject.



(2) The candidate shall disclose the act regarding registration of FIR or criminal complaint against him for any offence under any law along-with the current status of such case in application form and verification cum attestation form irrespective of the final outcome of the case. Non-disclosure of such information shall lead to disqualification of the candidature outrightly, solely on this ground:

Provided that where a candidate, who as a juvenile had earlier come in conflict with law and was dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000, shall not suffer any disqualification on account of non-disclosure of this fact either in application form or verification cum attestation form.

3) Where the appointing authority upon verification of character and antecedents of the candidate recommended for appointment comes to know that criminal proceedings against a candidate is in progress and the status of the case is reported to be either under investigation or challenged or cancelled or sent untraced or withdrawn or under trial or has either been convicted or acquitted or the candidate has preferred appeal against the order of the court; the appointing authority upon verification shall deal with the cases of candidates reported to have criminal cases registered against them and to the matters connected therewith as stated hereinafter;

(a) Where, a candidate is found to have been convicted for an offence involving moral turpitude or punishable with imprisonment for three years or more, shall not be considered for appointment.

(b) Where charges have been framed against a candidate for offence(s) involving moral turpitude or which is punishable with imprisonment of three years or more, shall also not be considered for appointment.

(c) Where, the candidate has disclosed the fact regarding registration of criminal case as described under subrule (2) above, and where the status of any case at the time of verification of antecedents of the candidate by local Police is found to be either as 'withdrawn by the State Government' or 'cancelled' or 'sent untraced' or 'acquitted' for any offence, under any law, such candidate shall be considered for appointment in Haryana Police:



(d) Where the 'cancellation report' or 'an untraced report' in a case against a candidate has been submitted by the investigating agency in the competent court of law, the appointment shall be offered only if approval/acceptance of such cancellation or untraced report has been accorded by the trial Court.

(e) Where the candidate has been acquitted in offences related to sovereignty of the State or national integrity i.e. spying against national interest/waging war against the State/act of terrorism/communal disturbance/smuggling of arms, ammunition or Narcotic Drugs & Psychotropic Substances or counterfeit currency etc. besides heinous crimes e.g. murder, rape, dacoity, robbery, kidnapping for ransom, acid attacks, human trafficking, Protection Of Child from Sexual Offences Act, 2012 or Prevention of Corruption Act, 1988 etc., 'on technical grounds' i.e. where, in the opinion of the Court the star/material prosecution witnesses have either been killed or have died or remained untraced or turned hostile or won over and the candidate has been acquitted on account of aforementioned circumstances; such candidates shall not be considered for appointment.

4) If it is ever revealed that a candidate has got appointment either by concealment of facts or by furnishing false or wrong information or by submitting fake or forged document/certificate, he shall be discharged from the service by the appointing authority from the date of appointment, summarily i.e. without holding a regular disciplinary proceedings, treating him ineligible for service and salary paid to him may also ordered to be recovered.

XXXX XXXX XXXX XXXX

[Emphasis supplied]

10. From the perusal of aforesaid Rules, it is evident that if an FIR is lodged against a candidate and charges are framed against him, he shall be ineligible for application, meaning thereby, candidate is eligible to apply despite lodging of FIR if charges are not framed. The fundamental difference between



Rule 12.16 and 12.18 is that Rule 12.16 provides for eligibility to apply and Rule 12.18 provides for appointment letter. The petitioner was facing FIR at the time of filing application, however, charges were not framed, thus, he was eligible to apply.

11. As per Rule 12.18(2) of PPR, if factum of pending criminal case is not disclosed in the application form or verification-cum-attestation form, candidate is disqualified outrightly. If factum of pending FIR is disclosed in the application form as well as verification-cum-attestation form, the competent authority has to decide fate of the candidate in terms of five different clauses of Rule 12.18(3) of PPR. As per clause (b) of Sub-Rule (3), a candidate shall not be considered for appointment if charges have already been framed against him for an offence involving moral turpitude or for an offence which is punishable for imprisonment of three years or more.

12. As conceded by learned State counsel, clauses (a), (d) and (e) of Sub-Rule (3) are inapplicable to the instant case. The petitioner is involved in an offence where punishment prescribed is more than three years and offence involves moral turpitude. Charges stand framed, thus, clause (b) of Sub-Rule (3) is also applicable. Clause (c) is applicable where FIR is registered, however, police has filed cancellation report or untraced report or State Government has withdrawn the case or he has been acquitted by the Trial Court. In such circumstances, candidate is considered for appointment.

13. In the instant case, police has filed challan and the matter is pending at the stage of prosecution evidence. If he is acquitted, he may be eligible for appointment but at present his case falls under clause (b) and (c). The language of clause (c) is in positive form. If the said clause is applied to instant case, the



petitioner would be squarely covered by this clause because neither police has filed cancellation report nor State Government had withdrawn the case nor the petitioner has been acquitted by the Trial Court.

14. This Court is of the considered opinion that till the discharge or acquittal, case of the petitioner falls under clause (b) and (c) of Rule 12.18(3) of PPR, thus, State Government cannot be directed to issue appointment letter.

15. In the wake of above discussion and findings, this Court has reached to the conclusion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

16. The petitioner is at liberty to move an appropriate application before the Authorities if he is acquitted in near future in the aforesaid offence.

04.04.2025

(JAGMOHAN BANSAL)

shivani

JUDGE

Whether reasoned/speaking

Yes

Whether reportable

Yes