



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

CWP-11828-2021

Date of Decision: 31.10.2025

Rahul

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sushil Jain, Advocate
for the petitioner.

Mr. Ravi Partap Singh, 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 12.03.2021 whereby his candidature was rejected for the post of Constable. He is further seeking direction to respondents to issue him appointment letter.

2. The petitioner pursuant to Advertisement No.8/2015 applied for the post of Constable. He cleared Written and Physical Test. He was recommended for allotment of Constabulary Number vide Director General of Police Office Memo dated 19.08.2020. His recommendation was further conveyed by Office of Inspector General of Police, Haryana Armed Police, Madhuban to Commandant, 5th Battalion, Haryana Armed Police, Madhuban. As per procedure prescribed under Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR'), the petitioner was asked to file Attestation-cum-Verification Form. In the

Attestation-cum-Verification Form, he disclosed that FIR No.48 dated 31.01.2018 under Sections 148, 149, 323, 307, 302, 506 and 216 of IPC was registered against him and he was later on acquitted vide judgment dated 16.09.2020 passed by trial Court. He was subjected to medical examination. The respondent sought report from Superintendent of Police (SP), Mahendergarh who vide report dated 22.09.2020 reported that petitioner was implicated in a criminal case and has been acquitted vide judgment dated 16.09.2020.

3. The respondent by impugned order dated 12.03.2021 rejected candidature of the petitioner on the ground that he was implicated in a criminal case involving moral turpitude. His case is covered under Rule 12.18(3)(b) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR').

4. Learned counsel representing the petitioner submits that case of petitioner is squarely covered by judgment dated 18.07.2025 passed by this Court in ***CWP No.13263 of 2025*** titled as ***Surender Versus State of Haryana and Others*** and judgment dated 25.03.2025 passed by this Court in ***CWP No.22424 of 2023*** titled as ***Rakesh Kumar Versus State of Haryana and Others***.

5. Learned State counsel expressed his inability to controvert applicability of aforesaid judgments to instant case, however, submits that State has filed LPA against judgment dated 11.07.2019 passed by this Court in ***CWP No.7659 of 2018*** titled as ***Praveen Kumar Versus State of Haryana and Others***. A Division Bench of this Court has issued notice of motion and further stayed operation of order dated 11.07.2019.

6. I have heard learned counsel for the parties and perused the

record with their able assistance.

7. This Court in ***Rakesh Kumar (supra)*** has adverted to identical issue. The Court has held:

“8. From the conjoint reading of Rule 12.16(4) and 12.18(2), it is evident that it is mandatory to disclose factum of pending FIR if charges are framed against the candidate. If factum of FIR is not disclosed in the verification-cum-attestation form, candidature is outrightly liable to be cancelled. Clause (c) of Sub-Rule (3) of Rule 12.18 further provides that if factum of criminal case is disclosed in the verification-cum-attestation form, a candidate shall be considered for appointment where criminal proceedings are withdrawn or cancelled or candidate is acquitted.

9. The petitioner made full and true disclosure in the application and verification-cum-attestation form. The respondent is not alleging concealment or suppression of facts on his part. The respondent has rejected petitioner's candidature on the sole ground that his case falls under Clauses (b) and (e) of Rule 12.18(3) of PPR. From the perusal of afore-cited Rule 12.18(3) of PPR, it is evident that it covers different situations arising out of registration of FIR. A person may or may not be subjected to face trial after registration of FIR. He may or may not be subjected to charges. He may be acquitted or discharged or convicted. From the deep perusal of clauses of Rule 12.18(3) of PPR, it comes out that all the clauses are contemplating different situations arising out of registration of FIR. Clause (a) is applicable where a person is convicted for an offence involving moral turpitude or with punishment of imprisonment for 3 years or more. Clause (b) with a situation where trial is pending and charges have been framed for offence involving moral turpitude or which is punishable with imprisonment of 3 years or more. Clause (c) deals with a situation arising on account of withdrawal or cancellation of FIR. Clause (c)

also provides that a person shall be eligible for appointment if he has been acquitted for any offence under any law. Clause (d) deals with a situation arising on account of filing cancellation or untraced report. Clause (e) provides for denial of appointment where person is acquitted but was involved in offences relating to sovereignty of the State or national integrity or heinous crimes and he is acquitted on technical grounds i.e. where the Court forms an opinion that star/material prosecution witnesses have either been killed or have died or remained untraced or turned hostile or won over.

10. In the instant case, the petitioner made true and full disclosure in the requisite forms and he was acquitted. Thus, his case is squarely covered by clause (c). The trial stands concluded, thus, there is no question of invoking Clause (b). The respondent is further trying to invoke Clause (e) which is applicable if a person is involved in offence(s) relating to sovereignty of State or heinous crime. As per said clause, heinous crime means 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. The petitioner was not involved in any of the offences. He was involved in a dispute between two neighbours. He, at that point of time, was minor. It is factually correct that he was acquitted on technical ground i.e. witnesses turned hostile.”

8. Learned State counsel has expressed his inability to controvert applicability of judgments passed by this Court in ***Surender (supra)*** and ***Rakesh Kumar (supra)***. He is relying upon interim order dated 25.09.2025 passed by Division Bench of this Court. Concededly, no Appellate Court has stayed judgments dated 18.07.2025 and 25.03.2025 passed in ***Surender (supra)*** and ***Rakesh Kumar (supra)*** respectively passed by this Court. Case of petitioner is squarely covered by aforesaid

judgments.

9. In the wake of above discussion and findings, the instant petition deserves to be allowed and accordingly ***allowed***. The respondents are directed to issue appointment letter to the petitioner within 08 weeks from today. It is hereby made clear that the date of joining of the petitioner shall be the date of appointment for all intents and purposes.

(JAGMOHAN BANSAL)
JUDGE

31.10.2025
Prince Chawla

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