



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

224

CWP-13453-2021

Date of Decision: 23.09.2025

SACHIN JOON

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Samrat Malik, Advocate for the petitioner

Mr. Ravi Partap Singh, DAG Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 09.04.2021 whereby his appointment was cancelled.

2. The petitioner pursuant to advertisement No.8/2015 dated 19.07.2015 applied for the post of Constable. He cleared requisite tests and came to be selected. DGP, Haryana vide office memo dated 19.08.2020 recommended his name for allotment of constabulary number in 5th Battalion, HAP Madhuban, Haryana. He was directed for medical examination from Government Hospital, Panipat. He filed attestation-cum-verification form disclosing that FIR No.255 dated 04.07.2009 under Sections 380, 420 and 454 IPC at PS Bahadurgarh, District Jhajjar was registered against him. He was acquitted in said FIR. After completing medical examination, police verification was conducted. On verification of character and antecedents, SP Jhajjar vide letter dated 31.08.2020

intimated that aforesaid FIR was registered against the petitioner and he was acquitted by trial Court vide judgment dated 11.09.2012.

3. On receipt of aforesaid verification report, the respondent passed order dated 09.04.2021 whereby petitioner's appointment letter was cancelled. The relevant extracts of order dated 09.04.2021 read as:-

“As per instructions issued by the State Government vide no. 1449-5 GSI-75/6324 dated 17/26.3.1975 and this office memo no. 7463-68/E(II)-1 dated 2.7.2007 and 13376-95/E(II)-1 dated 13.11.2007 the under Section 380, 420 and 454 IPC fall under the category of Moral Turpitude. Further, as per Rule 12.18 (3) (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.

Thus, the present case is covered under Rule 12.18(3)(b) of Punjab Police Rules (Amended-2015) and as per the said Rules "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".

In view of aforementioned circumstances of the case, the candidature of candidate Sh. Sachin Joon (Roll No. 1001233245 Adv. No. 8/2015) S/o Sh. Iqbal Singh R/o Vill. Deshal Pur, PO Nuna Majra, Tehsil Bahadurgarh, District hajar, Pin Code 124507 is hereby cancelled under Rules. I, pass an order accordingly.”

4. Learned counsel for the petitioner submits that case of petition is squarely covered by judgment dated 25.03.2025 passed by this Court in **CWP-22424-2023** titled as **“Rakesh Kumar Vs. State of**

Haryana and Ors.”. He further submits that petitioner shall not claim backwages or other notional benefits. His date of joining may be treated as his date of appointment for all intents and purposes.

5. Learned State counsel expressed his inability to controvert applicability of aforesaid judgment to instant case, however, submits that petitioner faced criminal proceedings and charges were framed against him, thus, his appointment letter was rightly cancelled.

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

7. This Court in *Rakesh Kumar (supra)* has adjudicated issue involved herein. The relevant extracts of the said judgment are reproduced as below:-

“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. In the instant case, the petitioner was aged about 18 years at the time of alleged offence. He was acquitted in 2012 and application seeking appointment was filed in 2015. He was selected in 2020. He duly disclosed status of aforesaid FIR in attestation-cum-verification form. In view of findings recorded in **Rakesh Kumar (supra)**, case of petitioner falls under Rule 12.18(3)(c). His case does not fall under Rule 12.18(3)(b).

9. In the wake of above factual position, this Court is of the considered opinion that the instant petition deserves to be allowed and accordingly allowed. Impugned order is hereby set aside. As conceded by petitioner who is present in Court, he shall not be entitled to backwages or other notional benefits. His date of joining shall be his date of appointment for all intents and purposes. Let he be permitted to join within four weeks from today.

10. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

September 23rd, 2025
Deepak DPA

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