



**257-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-12015-2023

Date of Decision: 20.08.2025

Vikram Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aditya Yadav, 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 orders dated 11.04.2023 (Annexure P-16) and 08.02.2017 (Annexure P-13) whereby he has been denied post of Constable.

2. The petitioner pursuant to Advertisement dated 02.08.2008, filed application under SC Category on 05.09.2008. At the time of filing of application, no criminal case was pending against him. He came to be implicated in FIR No.125 dated 23.05.2010 registered under Sections 304/34 of IPC at Police Station Mahesh Nagar, District Ambala. The petitioner cleared written and physical test. The physical test was conducted on 02.07.2010 and interview was conducted on 15.07.2010. The list of selected candidates was released on 30.01.2012. The name of petitioner figured in the list of selected candidates. The petitioner submitted attestation form on 19.03.2012. In the said form, he did not

disclose aforesaid FIR registered against him. The Police after completing investigation, filed cancellation report on 30.04.2012. The complainant approached this Court by way of **CRM-M-24161-2010** seeking fair investigation of aforesaid FIR. This Court vide order dated 12.08.2013 referred the matter to Central Bureau of Investigation (CBI) which registered fresh FIR and filed its report before CBI Judge, Panchkula. The trial Court framed charges against petitioner on 21.07.2016. The petitioner came to be acquitted vide judgment dated 06.12.2022. The respondent rejected claim of petitioner vide order dated 08.02.2017 on the ground that he is facing charges and as per Rule 12.18 (3) (b) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR') appointment letter cannot be issued to him. The petitioner after his acquittal again approached authorities and Director General of Police (DGP) vide impugned order dated 11.04.2023 rejected his claim on the ground that selection process completed in 2013 and at this stage petitioner cannot be considered for the post. He has been acquitted by CBI Judge, Panchkula, however, it does not create any right in his favour.

3. Mr. Aditya Yadav, Advocate submits that petitioner's claim was rejected invoking Rule 12.18 (3) (b) of PPR. The said Rule came into force w.e.f. 18.06.2015 whereas selection process completed in 2013, thus, said Rule was wrongly invoked. The petitioner at the time of filing application form was not facing criminal proceedings. The Investigating Officer in 2010 itself filed affidavit before this Court to the effect that petitioner is not guilty.

4. Mr. Ravi Partap Singh, DAG, Haryana submits that State cannot wait for indefinite period. It was petitioner who was at fault. He

was facing criminal proceedings. Charges were framed against him, thus, he was not eligible for the post of Constable. Rule 12.18 (3) (b) of PPR was rightly invoked because at the time of passing impugned order, said Rule had come into force.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of record, it is evident that respondent has rejected claim of the petitioner on the ground of delay and Rule 12.18 (3) (b) of PPR. First time petitioner was denied appointment letter on the ground of Rule 12.18 (3)(b) of PPR. The order dated 08.02.2017 passed by respondent read as:

“No. ____/OSI, dated ____/____/2017(.) Regarding Decision of Representation.

In compliance of the order dated 21.07.2014 passed by the Hon'ble High Court in CWP No. 13420 of 2014, it is hereby ordered that the representation dated 19.11.2013 of the petitioner Vikram Singh S/o Sh. Ashok Kumar (Regn. No. 2930/SC) is hereby rejected and he is denied the constabulary number on the ground that charges have been framed by the Hon'ble Special Judge CBI, Panchkula against the petitioner Vikram Singh U/S 302 IPC. Hence, the petitioner Vikram Singh is denied the appointment on the post of Constable in view of Rule 12.18 (3) (b) of the Punjab Police (Haryana Amendment) Rules 2015.”

The selection process commenced in 2008 and was completed in 2013. The Rules which were in force at the time of advertisement and at the time of verification of credentials could be invoked. There was no question to invoke Rules which were not in force at the time of verification of character. Amended Rule 12.18 came into

force w.e.f. 18.06.2015. In the unamended Rule, there was no requirement to file attestation form. Further, there was no requirement to disclose status of pending or completed criminal case. Candidate was required to disclose status of FIR, if any, in the application form as per Rule 12.16 (4). The petitioner filed attestation form wherein he did not disclose factum of FIR. There was reason for him. Police has already filed affidavit before this Court declaring him innocent. FIR was registered under Section 302 still he was not arrested. Amended and unamended Rule 12.18 of PPR are reproduced as below:

“12.18 Recruits verification of character:- Verification rolls of selected candidates for the post of constable shall be sent to the local police and Criminal Investigation Department with a copy to the concerned District Magistrate and character verification shall be done as per the extent government instruction on the subject [Candidate who has been convicted for any offence under any law under moral turpitude as specified in the Government instructions issued from time to time, shall not be considered for appointment as Constable under these rules.].

Amended rule 12.18 came in year 2015 is reproduced as below:

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 fact 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 challaned 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 sub-rule (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 8 service and salary paid to him may also ordered to be recovered.”

7. From the perusal of unamended Rule 12.18, it is clear that appointment of a candidate is impermissible who has been convicted. It is amended Rule which has clarified that different treatment as per stage of criminal proceedings would be meted out. There may be a case where investigation is pending or cancellation/closure report has been filed or charges are framed or person is involved in serious offence. As per stage of proceedings, treatment would be given. Two situations would not be treated equally. Prior to amendment, there was only verification of character and candidate was ineligible in case of conviction.

Rule 12.18 (3) (b) was not existing, thus, there was no question to apply said Rules for the selection process which concluded prior to 2015.

8. The respondent conducted character verification in 2013 and at that point of time, the petitioner was neither facing criminal charges nor proceedings were pending before trial Court. The respondent himself was of the opinion that petitioner is innocent which is evident from the affidavit dated 13.09.2010 filed before this Court in *CRM-M-24161-2010* as well as cancellation report filed before trial Court. The relevant extracts of affidavit dated 13.09.2010 read as:

“XXX XXX XXX XXX XXX

The persons who saved victim Brij Mohan while burning joined investigation alongwith other persons of locality and village and their statements were recorded. All these persons alongwith other residents of locality and village, stated in one voice that the accused named by victim were not at the place of occurrence at that time and have not seen them doing any overt act, as alleged. In fact, they have been falsely named due to enmity, by Brij Mohan and his family members. He alongwith seven other co-accused from his family and friends are facing trial for offences u/s 148/149/323/452/506 IPC, in Ambala City Court, on complaint of accused persons family, in state case titled State vs Manmohan Singh and others vide FIR No. 247 dated 10.10.2004, PS Mahesh Nagar, copy of charge sheet is annexure R/!. On verification, it was found to be correct that trial is in its final stage and fixed for 27.05.2010 and now after his death, same is pending for awaiting death report of Brij Mohan.

XXX XXX XXX XXX XXX

Since, 29.05.2010, the investigation has been carried out regularly and every information is being scrutinized to establish true facts about the crime. The report of FSL Madhuban is awaited regarding the recoveries sent to them for their report. In further investigation till now, no incriminating evidence about involvement of named accused has come out, inspite all efforts of prosecution. So in these circumstances the named accused could not be arrested as they appears to be innocent.”

9. CBI took over the matter as per directions of this Court in 2013 and thereafter police report was filed before CBI Judge, Panchkula. The charges were framed in 2016 whereas selection process completed in 2013. The respondent was supposed to look at status of the criminal case

as on the date of verification of character. The status of criminal case as in 2016 or 2017 could not be considered.

10. The respondent has further raised question of delay. There is no delay on the part of petitioner. He at every stage and at the earliest approached authorities. The respondent itself in 2010 declared him innocent and further filed cancellation report. Finding petitioner innocent in 2010 and filing cancellation report was clear assertion of the respondent that petitioner has not committed alleged offence. He was not even remotely connected with the alleged offence and was wrongly implicated. Despite said opinion, it was respondent who denied post to the petitioner. In such circumstances, it is difficult to conclude that there was delay on the part of petitioner. Thus, he cannot be denied appointment letter.

11. Hon'ble Supreme Court in '***Ravindra Kumar vs. State of U.P.***', (2024) 5 SCC 264 has held that nature of offence, timing and nature of criminal case, the judgement of acquittal, nature of query in application/verification form, contents of the character verification report, socio-economic strata of the individual applying and the content of cancellation/termination order should enter the judicial verdict in adjudging suitability and nature of relief to be ordered. The relevant extracts of the judgement read as:

“32. The nature of the office, the timing and nature of the criminal case; the overall consideration of the judgment of acquittal; the nature of the query in the application/verification form; the contents of the character verification reports; the socio-economic strata of the individual applying; the other antecedents of the candidate; the nature of consideration and the contents of

the cancellation/termination order are some of the crucial aspects which should enter the judicial verdict in adjudging suitability and in determining the nature of relief to be ordered.

33. Having discussed the legal position above, it is necessary to set out certain special features that obtain in the case at hand.

33.1. The appellant hails from the small Village Bagapar, PO Kataura, Police Station Gauri Bazar, District Deoria, U.P.

33.2. On the date of the application, there was no criminal case pending and there was no suppression in the application form.

33.3. The criminal case was registered when he was 21 years of age for the offences very similar to the one referred to in Sandeep Kumar and even in the criminal case he was acquitted.

33.4. No doubt, the multiple columns in the verification affidavit, questions were asked from him in different permutations and combinations. He must have been in a deep dilemma as there was an imminent prospect of losing his employment.

33.5. Most importantly, we find from the verification documents fairly and candidly made available by the learned Additional Advocate General, that the verification report after noticing the criminal case and the subsequent acquittal stated that his character was good, that no complaints were found against him and that his general reputation was good.

33.6. Not stopping there, the person who visited the spot even wished him a bright future in the report.

33.7. The SHO, Gauri Bazar Police Station, who forwarded the report to the Superintendent of Police after reiterating the contents of the report observed that he was acquitted and no appeal was filed. Further, there was no other case pending and nor was any case registered against the candidate.

33.8. The SHO certified the character of the candidate as excellent and that he was eligible to do government service under the State Government. He annexed the report of the police station as well as the report of the Gram Pradhan and the court documents.

33.9. The Superintendent of Police, in his letter to the Commandant, endorsed the report and reiterated that the character of the candidate was excellent.

33.10. While examining whether the procedure adopted for enquiry by the authority was fair and reasonable, we find that the order of cancellation of 12-4-2005 does not even follow the mandate prescribed in Clause 4 of the Form of Verification of Character set out in the earlier part of this judgment (see para 13, above). Like it was found in Ram Kumar instead of considering whether the appellant was suitable for appointment, the appointing authority has mechanically held his selection was irregular and illegal because the appellant had furnished an affidavit with incorrect facts. Hence, even applying the broad principles set out in para 93.7 of Satish Chandra Yadav, we find that the order of cancellation dated 12-4-2005 is neither fair nor reasonable. Clause 9 of the recruitment notification has to be read in the context of the law laid down in the cases set out hereinabove.

34. On the facts of the case and in the backdrop of the special circumstances set out hereinabove, where does the non-disclosure of the unfortunate criminal case, (which too ended in acquittal), stand in the scheme of things? In our opinion on the peculiar facts of the case, we do not think it can be deemed fatal for the appellant. Broad-brushing every non-disclosure as a disqualification, will be unjust and the same will tantamount to being completely oblivious to the ground realities obtaining in this great, vast and diverse country. Each case will depend on the facts and circumstances that prevail thereon, and the court will have to take a holistic view, based on objective criteria, with the available precedents serving as a guide.

It can never be a one size fits all scenario.

Relief

35. For the reasons set out hereinabove, the appeal is allowed and the order [Ravindra Kumar v. State of U.P., 2005 SCC OnLine All 1801] of the learned Single Judge and the impugned order of the Division Bench dated 29-10-2010 [Ravindra Kumar v. State of U.P. Special Appeal No. 896 of 2005, order dated 29-10-2010 (All)] in Special Appeal No. 896 of 2005 are set aside. The order of 12-4-2005 of the third respondent, Commandant 27th Battalion, PAC, Sitapur is quashed and set aside. The respondents are directed to appoint the appellant in service on the post of Constable for which he was selected, pursuant to his participation in reference to the Recruitment Notification dated 20-1-2004. We make it clear that the appellant will not be entitled for the arrears of salary for the period during which he has not served the force. At the same time, we direct that the appellant will be entitled for all notional benefits, including pay, seniority and other consequential benefits. Necessary orders shall be passed within a period of four weeks from today. There shall be no order as to costs”

In the present case, the petitioner belongs to SC Category and he was 20 years old at the time of commission of alleged offence. He was never arrested. Police found him innocent. He is not involved in any other offence. At the time of filing application, he was not implicated in any criminal case. He was finally acquitted. He had applied for post of Constable which is lowest in police force.

12. The petitioner is claiming post of Constable. Physical/mental fitness is of paramount consideration for Police Force. The minimum age prescribed for the post of Constable was 17 years and maximum 25 years (5 years relaxation to reserved category). The petitioner at present is more

than 38 years old. He may not be physically/mentally fit for the post, thus, to maintain balance and achieve object of prescription of physical fitness, this Court finds it appropriate to direct the respondent to conduct physical fitness test of the petitioner and if he is found fit, he be issued appointment letter. This exercise shall be completed within three months from today.

13. It is made hereby made clear that date of joining of the petitioner shall be date of his appointment for all intent and purposes (service benefits).

14. Allowed in above terms.

(JAGMOHAN BANSAL)
JUDGE

20.08.2025
Prince Chawla

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