



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

**CWP-25430-2019 (O&M)
Date of Decision: 14.11.2025**

Karambir

...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 order dated 20.08.2019 whereby his services were dispensed with.

2. On 12.09.2019, the following order was passed by this Court:

“Mr. Deepak Sonak, inter alia, submits that in pursuance of advertisement No.3 of 2018 caused by the Haryana Staff selection Commission form for filling up posts of Constable (Male), petitioner submitted application form (Annexure P-1) under General Category and along with aforementioned application also submitted attestation form and against column No.13 disclosed particulars of FIR No.0069 dated 07.02.2018 registered in Police Station Tosham as well as factum of arrest. Petitioner in the selection process was selected and issued Constabulary No. 1/389. However, without compliance of principles of natural justice, vide impugned order dated 20.08.2019 by

relying upon Rule 12.18 (3) (b) of Punjab Police (Haryana Amendment) Rules, 2015, his services have been dispensed with. The aforementioned provisions in stricto sensu would not apply, which pertain to issuance of appointment letter but in the present case constabulary number has already been allotted to the petitioner.

Notice of motion for 04.12.2019.

Notice regarding stay.

In the meantime, as an interim arrangement/provisionally, petitioner is permitted to undergo training, however, result of same shall be subject to final outcome of writ petition.”

3. Learned counsel representing the petitioner submits that petitioner honestly and *bonafidely* disclosed factum of FIR in the application form as well as attestation-cum-verification form. Charges were framed on 26.07.2018 and FIR was quashed by this Court on 20.05.2022 on the basis of compromise. Petitioner joined service on 07.03.2019 and was discharged on 20.08.2019. In view of interim orders of this Court, he is still working with the department.

4. *Per contra*, learned State counsel submits that petitioner was exonerated on the basis of compromise. This Court has quashed FIR on the basis of compromise, thus, petitioner cannot take benefit of dropping of FIR. It does not amount to acquittal. He cannot take benefit of Rule 12.18(3)(c) of PPR. At the time of verification, he was facing charge involving moral turpitude.

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

6. Indubitably, the petitioner is working with respondent since March' 2019 though on the basis of interim orders of this Court. His

services were dispensed with on account of aforesaid FIR. The respondent is claiming that petitioner cannot be retained despite quashing of FIR because FIR was quashed on the basis of compromise and it did not amount to acquittal.

7. Rule 12.16 of PPR prescribes procedure for direct recruitment. Sub-Rule (4) provides that if an FIR is lodged or is pending against a candidate, he shall not be treated eligible for application, if charges are framed against him. Rule 12.16 (4) of PPR reads as: -

“Rule 12.16 Procedure for direct recruitment:-

(1) XXXX XXXX XXXX

(2) XXXX XXXX XXXX

(3) 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.”

8. Rule 12.18 of PPR provides that 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 the application form and verification-cum-attestation form. Non-disclosure of such information shall lead to disqualification of the candidate outrightly solely on this ground. Sub-Rule (3) of Rule 12.18 provides for the manner of dealing with a situation arising from

verification of character and antecedents. For the ready reference, Rule 12.18 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 out-rightly, 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 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 service and salary paid to him may also ordered to be recovered.

XXXX XXXX XXXX XXXX”

9. 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 application form or 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.

10. The petitioner made full and true disclosure in the application as well as 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 Clause (b) of Rule 12.18(3) of PPR because he was charged under Section 379 which involves moral turpitude.

11. From the perusal of 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. A deep perusal of clauses of Rule 12.18(3) of PPR reveals 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.

12. A conspectus of Rule 12.18 (3) reveals that case of the petitioner is covered by Clause (b) of Rule 12.18(3). As per Clause (b) of

aforesaid Rule, where charges have been framed against a candidate for offence(s) involving moral turpitude or which is punishable for imprisonment of three years or more, he shall not be considered for appointment. The petitioner was implicated in a theft case. As per respondent, offence of theft involves moral turpitude. Offence punishable under Sections 379 of IPC is punishable with maximum imprisonment of three years. Clause (b) of aforesaid Rule is carved out in negative form. It provides that candidate shall not be considered if charges are framed for offences discussed therein. It means if charges are framed for any other offence, the competent authority may consider for appointment.

13. Hon'ble Supreme Court in ***Ravindra Kumar v. State of Uttar Pradesh and others, (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. Paragraph 32 of the judgement reads 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.”

14. The petitioner herein was implicated for allegedly committing offence of theft. It was a dispute between two families of a village. The complainant lodged complaint on account of water dispute. Initially, petitioner was not implicated, however, later on, he was implicated with his uncle and aunt. He made true disclosure in the application as well as attestation-cum-verification form. FIR was quashed by this Court. The maximum punishment prescribed for committing alleged offence(s) is three years. He is in service for last six years. There is no other adverse material against him. He at present is 31 years old and any adverse order would ruin his personal and family life. In view of Rule 12.18(3)(b) and nature of alleged offence, it cannot be conclusively held that petitioner was involved in offence involving moral turpitude and should be discharged from service.

15. In the light of aforestated facts and circumstances, this Court is of the considered opinion that instant petition deserves to be allowed and accordingly ***allowed***. Impugned order dated 20.08.2019 is hereby set aside.

16. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

14.11.2025
Prince Chawla

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