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

LPA-1455-2018 (O&M)

Date of Decision: 6th of May, 2025

BABLU CHAUHAN

.....Appellant(s)

V/s.

STATE OF HARYANA AND OTHERS

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

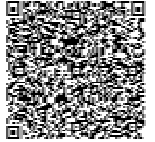
Present Mr. Ravinder Rana, Advocate, for the appellant.

 Mr. Saurabh Mohunta, Sr. DAG, Haryana.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The challenge in the present LPA is to the judgment dated 13.08.2018 passed by the learned Single Bench whereby the Writ Petition i.e. CWP-23611-2012, preferred by the appellant, has been dismissed holding as under:-

“4. It was clarified that the candidates acquitted on technical grounds in offences involving moral turpitude should also not be considered for appointment. The case of the petitioner was re-considered vide order dated 17th June, 2013 (Annex. R-III). The officer opined that the petitioner was involved in cases for offences under Section 392 IPC (Robbery) thrice and was acquitted by the court every time by giving benefit of doubt. It is mentioned that the petitioner has serious cases of property offences against him and seems to be a repeat offender. It was thus not desirable to have such a person in the police force and therefore, his claim for allotment of constabulary number for the post of Constable was rejected by the respondents.”

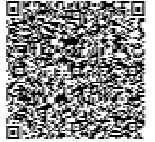


2. Learned counsel for the appellant has relied on the judgment passed by the Hon'ble Supreme Court in Joginder Singh Vs. U.T. of Chandigarh and Others ; 2015(2) SCC 377 to submit that in the said case also where the post in question was that of Constable, a person was allowed to be appointed after he had been acquitted in the criminal case registered against him wherein he was an accused.

3. We have carefully considered the judgment relied on by the appellant passed in Joginder Singh (Supra) and with all humility at our command, we find that the facts of the said case are distinguishable from the facts which have come out in the present case.

4. In the case before the Hon'ble Supreme Court, the appellant-Joginder Singh was a person who had applied for the post of Constable, but much before he was called for the interview/medical examination, he was acquitted in a criminal case registered against him on account of a family feud. The acquittal was an honorable acquittal and in the said circumstances, the Apex Court held denying him appointment to the post of Constable would be akin to vicarious punishment which is not permissible in law and allowed the Appeal.

5. In the present case, the facts are that the selection process was initiated vide advertisement dated 01.09.2008 and the appellant had cleared the physical test on 21.05.2010 and was called for interview on 23.06.2011, wherein he was placed in the select list. Before he could be appointed, three FIRs were registered against him which are as under:-



1. FIR No.190 dated 16.11.2010 registered under Sections 392/34 IPC, 25/54 of the Arms Act, 1959, Police Station Chhappar (Yamunanagar).
2. FIR No.178 dated 23.11.2010 registered under Sections 392/394 IPC, Police Station Barara.
3. FIR No.191 dated 25.11.2010 registered under Sections 392/34 IPC, 25 of the Arms Act, 1959, Police Station Chhappar (Yamunanagar).

6. On account of material witnesses having turned hostile, he was given benefit of doubt in the criminal trial and was acquitted of the said charges. Thus, we find that the facts of the present case being completely different from that of **Joginder Singh (Supra)**. The law, thus, has to be applied on facts of the case individually.

7. The post of Constable is a responsible post on which a person having immaculate character ought to be appointed. If criminal cases have been registered after selection, it is apparent that the concerned individual has indulged into criminal activities after he knew that he is going to be appointed as a Constable. Such person, therefore, cannot be said to be fit or suitable for the post. While selection may be done by the selecting body, the appointing authority has to see the suitability of that individual, even after selection, if his antecedents are found to be of such a nature which would be detrimental to his appointment on a post, a decision can be taken to deny him the appointment.

8. Such a decision of the authorities as noticed by the learned Single Bench at the level of the Director General of Police, Haryana cannot said to be wrongful or illegal. Offences of the nature under Section 392 of



the IPC for which he was alleged to have committed, amount the offences involving moral turpitude.

9. In view thereto, we do not find any reason to differ from the impugned judgment passed by the learned Singh Bench and the appeal is dismissed, rejecting the prayer of the appellant.

10. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[MEENAKSHI I. MEHTA]
JUDGE

May 6, 2025
Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No