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

CWP-33450-2019 (O&M)

Date of Decision: 07.11.2025

Mandeep

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. G.S. Gopera, 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 12.11.2019 whereby he was discharged from service. Impugned order reads as:

“It is ordered that you Recruit Constable Mandeep, No. 2/999 of this battalion is hereby discharged from service with immediate effect under 12.18 (4) of Punjab Police (Haryana Amendment) Rules-2015, since you have violated rule which reads as" 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", since it is found you have not disclosed the facts about the registration of a Criminal Case against you in verification -cum-attestation form.”

2. The petitioner pursuant to Advertisement No.3/2018 applied for the post of Constable. At the time of filing application, no criminal

case was pending against him. He was selected by Recruitment Board. The Recruitment Agency recommended his name to Haryana Police. He was issued appointment letter. He joined service on 02.03.2019. He filed attestation-cum-verification form wherein he did not disclose the fact that a criminal case is pending against him. He proceeded on leave on 01.07.2019. He vide letter dated 07.07.2019 informed the respondent that he was absent because his sister-in-law (Bhabhi) has lodged FIR against his family alleging demand of dowry. He was treated as absent for four days. On the basis of aforesaid letter, the respondent came to know that a criminal case is pending against petitioner. The respondent by impugned order discharged him from service.

3. Learned counsel representing the petitioner submits that petitioner applied for anticipatory bail which was granted on 03.07.2019. The petitioner's brother had solemnized marriage against the wishes of family. He was disowned by the family. A marital discord erupted between the couple and petitioner's sister-in-law (Bhabhi) lodged FIR against her husband as well as his relatives including petitioner. The petitioner had no contact with his brother, thus, he was unaware of pending criminal case. The matter was amicably settled and Hon'ble Bombay High Court vide order dated 22.04.2022 quashed FIR, thus, petitioner deserves to be retained in police force.

4. *Per contra*, learned State counsel submits that petitioner filed Attestation-cum-Verification Form on 02.03.2019. Maharashtra Police vide communication dated 22.02.2019 had already called him in connection with FIR No.201 dated 10.09.2018 registered under Sections 498(A), 406, 504 and 34 of IPC at Police Station Gangapur, Nasik,

Maharashtra. The petitioner was aware of pending FIR still did not disclose in Attestation-cum-Verification Form. Case of petitioner is squarely covered under Rule 12.18(3)(b) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR'). The Authorities rightly discharged him under Rule 12.18(4) of PPR.

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 petitioner joined service on 02.03.2019. He was ordered to be discharged vide order dated 12.11.2019. On account of interim orders of this Court, he is still in service, meaning thereby, petitioner is in service for more than six years.

7. The respondent in the reply and during the course of hearing relied upon Rules 12.18(4) and 12.18(3)(b) of PPR. 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 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.”

8. From the perusal of above quoted Rule, it is evident that Rule 12.18(3)(b) is applicable where charges are framed for commission of offence involving moral turpitude or where prescribed punishment is not less than three years. The petitioner during the course of hearing produced status report of the aforesaid FIR. The said report has been obtained from official website of the District Court, Nasik. As per said report, charges were not framed at the time of filing Attestation-cum-Verification Form. It appears that charges were framed in February' 2021 whereas Attestation-cum-Verification Form was filed in March'2019. Bombay High Court vide order dated 24.01.2020 stayed proceedings which were pending before trial Court. The petitioner was not subjected to charge at the time of filing Attestation-cum-Verification Form. Thus, Rule 12.18(3)(b) is inapplicable. Rule 12.18(4) empowers to discharge where there is mis-representation.

9. Hon'ble Supreme Court in ***Ravindra Kumar Versus 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. Paragraph 32 of the judgement reads as:

“32. The nature of the offence, 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.”

10. There was no FIR at the time of filing application form. Petitioner was not main accused in the FIR which was lodged by his sister-in-law (Bhabhi). It was a pure matrimonial dispute which was amicably settled and Bombay High Court set aside all the proceedings. The petitioner is serving police force since 2019. There is no other adverse material against him. He at present is 32 years old and any adverse order would ruin his personal and family life.

11. 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***.

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

(JAGMOHAN BANSAL)
JUDGE

07.11.2025
Prince Chawla

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