



CWP-28988-2025

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

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CWP-28988-2025

Date of Decision: 12.11.2025

Amit Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Abhijeet Chaudhary, Advocate for the petitioner

Mr. Ashok Kumar Khubbar,
Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction setting aside of order dated 18.08.2025 whereby his claim has been rejected. He is further seeking direction to respondent to allow him to join on the post of Male Constable (General Duty).

2. The petitioner, pursuant to Advertisement No.4/2020 dated 30.12.2020, applied for the post of Male Constable (General Duty). During the pendency of the selection process, he came to be implicated in FIR No.235 dated 11.08.2021, under Sections 279, 337 and 338 of Indian Penal Code, 1860 (for short 'IPC') and 181 of Motor Vehicles Act, 1988 (for short 'MV Act') registered at Police Station Sadar Mohindergarh, District Mohindergarh. He cleared all the stages. He filed verification-cum-attestation form as per Rule 12.18 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short 'PPR'). He disclosed factum of

aforsaid FIR in said form. The competent authority vide letter dated



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12.10.2023 sought information from District Attorney concerned regarding present status of the aforesaid FIR. Superintendent of Police and District Attorney vide letter dated 16.10.2023 and 19.10.2023 intimated competent authority that final report has already been filed and trial is pending at the stage of examination of prosecution witnesses. He was acquitted vide judgment dated 03.05.2025. The Trial Court has held that version of the complainant is totally hearsay and there is no evidence against the petitioner. He vide letter dated 01.07.2025 requested the respondent to permit him to join. The respondent relying upon Rule 12.18(3) (c) of PPR vide order dated 18.08.2025 has rejected his representation.

3. Short reply by way of affidavit dated 11.11.2025 of Sh. Vinod Kumar, I.P.S, Commandant, 4th Battalion, Haryana Armed Police, Madhuban, District Karnal, Haryana filed by respondent-State is taken on record. Registry is directed to tag the same at an appropriate place.

4. Learned State counsel submits that as per Rule 12.18(3)(c) of PPR as well as WAN Message dated 27.09.2020, status of trial has to be seen as on date of verification. The verification was conducted on 13.09.2023 and on the said date trial was pending against the petitioner. As per rule 12.18(3)(c), acquittal could be considered had the petitioner been acquitted prior to date of verification of antecedents. The petitioner was acquitted subsequent to verification of antecedents, thus, Rule 12.18(3)(c) did not come to his rescue.

5. On being asked, learned State counsel confirmed that petitioner was facing trial for allegedly committing offences punishable under Sections 279, 337, 338 of IPC and 181 of MV Act and none of the aforesaid offence



6. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

7. From the perusal of record, it is evident that no FIR was pending against the petitioner at the time of filing application. He cleared all the stages of examination. He was duly selected and permitted to join, however, during verification of antecedents, it was found that a criminal case was pending against him. It is apt to notice that he himself, in the attestation-cum-verification form, disclosed the factum of pending FIR. The respondent is right in claiming that clause (c) of Rule 12.18(3) is applicable if applicant is acquitted or discharged prior to the date of verification. The petitioner was not acquitted prior to the date of verification, thus, clause (c) of Rule 12.18(3) was inapplicable.

8. 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.”*

9. 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”

10. 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



11. 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 does not fall under Clause (c) 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. 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. From the perusal of above quoted Rule, it is evident that case of the petitioner is covered by Clause (b) instead of (c) 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 car accident. Offence of vehicular accident does not involve moral turpitude. He was charged for committing offences punishable under Sections 279, 337, 338 IPC and 181 of MV Act. None of the aforesaid offence(s) is/are punishable with imprisonment of three years or more. In such circumstances, the competent authority was supposed to examine the matter in totality. 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. The respondent has not considered case of the petitioner in the light of Clause (b) whereas matter was considered in the light of Clause (c).

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 road accident. He truly made disclosure in the verification form. He was acquitted by the Trial Court. The maximum punishment prescribed for committing alleged offence(s) is less than three years.

15. In view of above discussion and findings, this Court is of the considered opinion that matter needs to be reconsidered by Director General of Police, Haryana in the light of the Rule 12.18(3)(b) of PPR; judgment of Hon’ble Supreme Court in ***Ravindra Kumar (supra)*** and observations of this Court recorded hereinabove. Let the needful be done within two months from today.

16. It is made clear that if the petitioner is found eligible for appointment, his date of joining would be his date of appointment for all intent and purposes (service benefits).

17. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

12.11.2025

Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No