

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CWP-34239-2025

Date of Decision: 21.11.2025

VINOD KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sandeep Thakan, Advocate for the petitioner

Mr. Ashok Kumar Khubbar, Addl. A.G, 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 10.02.2025 whereby respondent has rejected his claim for the post of Constable.

2. This is second round of litigation. On the earlier occasion, the petitioner preferred *CWP-33746-2024* which was disposed of vide order dated 13.12.2024. Order dated 13.12.2024 being a short order is reproduced as below-

“1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to consider him for the post of Constable.

2. The petitioner pursuant to an advertisement applied for the post of Constable. He belongs to SC category. He cleared written as well as physical test. He was called by office of Superintendent of Police, Kaithal for joining duty, however, authorities did not

permit him to join and no appointment letter was issued.

3. *Mr. Atul Lakhanpal, Senior Advocate submits that petitioner believes that respondent has not issued appointment letter because two FIRs were registered against him. The petitioner has already been acquitted in FIR No. 106 dated 14.05.2016 vide judgment dated 15.11.2022 (Annexure P-11) passed by trial Court. Appeal filed against judgment of acquittal stands dismissed. The trial arising out of second FIR No. 270 dated 09.12.2016 under Sections 186, 332, 353, 427, 506 and 34 IPC registered at Police Station Adampur, District Hisar is still pending and he is likely to be acquitted. The respondent has not made any formal communication. The petitioner has been deprived from his valuable right to join the post.*

4. *Notice of motion.*

5. *Mr. Raman Sharma, Addl. A.G., Haryana who on advance notice is present in Court, accepts notice on behalf of respondent-State and waives service.*

6. *With the consent of both sides, the matter is taken up for final disposal.*

7. *Learned State counsel submits that petitioner cannot be permitted to join because he was involved in two FIRs. Trial arising out of one FIR is still pending, nevertheless, Competent Authority would examine the matter and pass an appropriate order, if not passed till date.*

8. *In the wake of statement of learned State counsel, the present petition stands disposed of with a direction to respondent No. 4 to pass an appropriate order within 2 months from today, with respect to grievance of the petitioner.”*

3. The respondent pursuant to aforesaid order has passed impugned order dated 10.02.2025 whereby petitioner's claim for the post of Constable has been rejected. The respondent in the impugned order has

noted that petitioner was facing two FIRs. He was acquitted in FIR No.106 dated 14.05.2016, however, was facing trial, at the time of verification, in the FIR No.270 dated 09.12.2016. Charges have already been framed for committing offence punishable under Sections 186/332/353/427/506/34 IPC. Punishment prescribed for committing offence under Section 506 IPC is 7 years, thus, case of petitioner was squarely covered under Rule 12.18(3)(b) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short 'PPR'). The operative portion of order dated 10.02.2025 is reproduced as below: -

“As per PUC against applicant Vinod Kumar FIR No.270 dated 09.12.2016 u/s 186/332/353/427/506/34 IPC and FIR No.106 dated 14.05.2016 u/s 435/34 IPC, P.S. Adampur have been registered. As per Sec. 506 IPC if threat be to cause death or grievous hurt, etc. punishment of imprisonment which may extend to Seven years can be provided.

As far as FIR No. 106/16 is concerned the same has been registered u/s 435, 34 IPC in which punishment with imprisonment extending to Seven years and fine is provided. In this FIR applicant has been acquitted but appeal has been filed by the complainant which was pending before the session court Hisar and the appeal has been dismissed as withdrawn vide order dated 28.10.2024.

Rule 12.18(3)(b) as reproduced above bars consideration of candidate for appointment against whom charges have been framed with offences punishable with imprisonment of three years or more. In FIR No. 270 dated 09.12.2016 charge against the applicant have been framed w/s 186/332/353/427/506/34 IPC. U/s 506 IPC imprisonment of extending upto 7 years may be awarded if threat be to cause death or grievous hurt

etc. Hence in my opinion as case of applicant is covered under Rule 12.18 (3) (b) so he may not be considered for appointment.

In view of the above mentioned facts, I considered the grievance of the petitioner thoroughly. The case of the petitioner is covered under rule 12.18(3) (b) of Haryana Government Gaz. (Extra), June 18, 2015 (JYST. 28, 1937 SAKA) (Haryana Government Home Department Notification 18 June, 2015 No. S.O. 133/H.A.25/2008/S.92/2015.) The petitioner Vinod Kumar is not liable to be considered for appointment. The grievance of the petitioner is disposed of accordingly.”

4. Learned counsel for the petitioner submits that case of petitioner is covered by Clause (c) of Rule 12.18(3) of PPR. The petitioner stood acquitted in both FIRs at the time of verification of credentials. The respondent has wrongly invoked Clause (b) of Rule 12.18(3) of PPR. This Court vide order dated 18.07.2025 passed in ***Surender v. State of Haryana and others, CWP No.13263 of 2025*** has directed respondent to issue appointment letter. Case of petitioner is squarely covered by aforesaid judgment. The petitioner was never asked to submit attestation-cum-verification form as per Rule 12.18(2) of PPR, thus, his claim was clearly covered by Clause (c) because at the time of verification of credentials, he had already been acquitted by the trial Court.

5. *Per contra*, learned State counsel submits that case of the petitioner is covered by Clause (b) and not Clause (c) of Rule 12.18(3) of PPR. The petitioner is wrongly placing reliance upon Clause (c). The petitioner was implicated in two FIRs. In one FIR, he was acquitted prior to filing affidavit after declaration of result whereas in second FIR, he was

acquitted on 14.02.2025. Charges in the said case were framed on 03.05.2017 i.e. before verification of credentials.

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

7. 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.”*

8. 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

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.

9. 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 an offence punishable with 7 years imprisonment. 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.

10. Haryana Staff Selection Commission declared final result which included name of the petitioner. Pursuant to orders of higher authorities, SP Kaithal called him in his office on 19.10.2024. He filed affidavit disclosing that he was implicated in two FIR(s). Verification of latest status of FIR(s) was conducted and it was found that trial in FIR

No.270 dated 09.12.2016 is still going on and next date is 10.02.2025. On the date of filing affidavit and verification by respondent trial was pending, thus, case of petitioner is covered under Clause (b) and not (c).

11. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

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

(JAGMOHAN BANSAL)
JUDGE

November 21, 2025
Deepak DPA

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