



CWP-35409-2025

-1-

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

(134)

CWP-35409-2025

Date of decision:- 18.12.2025

Rajinder Pal Singh and another**... Petitioners****Versus****State of Punjab and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Sh. Rajinder Pal Singh, Head Constable.

SUVIR SEHGAL, J. (ORAL)

1. Bar Association has resolved to abstain from work.
2. This petition has been filed, *inter alia*, for issuance of a writ, in the nature of certiorari, for quashing status report dated 13.11.2025, Annexure P-8, whereby respondent no.2 has “not recommended” issuance of police clearance certificate to petitioner no.1.
3. A perusal of the petition shows that petitioner no.1 was issued a police clearance certificate dated 17.10.2023, Annexure P-1, on the basis of which he was issued a Canadian visa, which is valid till 28.12.2025. He came to India in March, 2024 and flew back on 20.03.2024. Petitioner no.1 has named as an accused in FIR bearing no.48, dated 20.03.2024, Annexure P-3, registered for offences under Sections 323, 324, 148 and 149, IPC at Police Station Sardulgarh, District Mansa. During investigation, petitioner no.1 was found to be innocent as he was not present at the time of occurrence and report dated 15.05.2024, Annexure P-5, was prepared. Challan was presented



CWP-35409-2025

-2-

before the Trial Court, Annexure P-7, wherein his name was kept in column no.2. As his visa is expiring, petitioner no.1 applied for a police clearance certificate, however, vide impugned status report, it has not been recommended.

4. Advance copy of the petition was served upon the official respondents and vide order dated 29.11.2025, respondent-authorities were directed to reconsider the grant of police clearance certificate to petitioner no.1 in the light of the above facts.

5. Sh. Rajinder Pal Singh, Head Constable has filed status report dated 16.12.2025 by way of an affidavit of Mr. Manjeet Singh, PPS, Deputy Superintendent of Police, Sub-Division Sardulgarh, District Mansa on behalf of respondents no.1 to 4 in compliance of the aforesaid order, which is taken on record. Factual position has not been disputed and it has been stated that as criminal proceedings are pending, request for issuance of clearance certificate has been rightly rejected vide Annexure P-8. The same reason has been given for declining the certificate in compliance of order dated 29.11.2025 passed by this Court.

6. I have duly considered the matter on the basis of material appended with the writ petition and status report filed by the respondents. In **Pankaj Kumar Vs. The State of Bihar and others** (Civil Writ Jurisdiction Case no. 349 of 2016, decided on 26.08.2016), Patna High Court has observed as under:-

“On consideration of the submissions, it appears that the respondent-District Magistrate vide (Annexure P-1), communicated to the petitioner about the pendency of the criminal case against him. The same fact can be incorporated in the format in which the Character Certificate is issued. The petitioner is satisfied, if the



CWP-35409-2025

-3-

Character Certificate is issued in the shape it's granted incorporating the aforesaid fact of pendency of the criminal case against him.

Considering the above, this Court finds no difficulty in directing the respondent-District Magistrate to issue the Character Certificate in the shape it is generally provided stating or incorporating therein the pendency of the criminal case against the petitioner as reported by the respondent-Superintendent of Police, which has not been disputed by the petitioner before this Court.”

7. The observations of the Patna High Court are squarely applicable to the facts of the present case. Respondents cannot deny police clearance certificate to petitioner no.1, merely because he was named as an accused in a criminal case moreso, when after investigation, he has been found to be innocent. Mere pendency of the trial against the other accused, is not a sufficient ground to deny the certificate.
8. For the afore-going reason, status report, Annexure P-8, is set aside. Direction is issued to the competent authority to consider and grant police clearance certificate to petitioner no.1. Needful be done on or before 23.12.2025.
9. Writ petition is disposed of.

(SUVIR SEHGAL)
JUDGE

18.12.2025

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No