

**CWP-2063-2026****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****108****CWP-2063-2026****Date of Decision: 05.02.2026****Sanjeet Kumar****...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Sushil Jain, Advocate for the petitioner

Mr. Ravi Partap Singh, Deputy Advocate General, Haryana
(assisted by Mr. Rupender, Law Officer,
Haryana Staff Selection Commission)

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 09.10.2019 whereby respondent has refused to allot him regimental number. He is further seeking direction to respondents to issue him joining/appointment letter.

2. The petitioner, pursuant to Advertisement No.3/2018, applied for the post of Constable under BCA Category. He successfully cleared Written Test followed by Physical Measurement and Physical Screening Test. The respondent, during verification of his credentials, found that an FIR No.284 dated 18.09.2017 under Sections 346, 323, 328, 342, 363, 366 376 and 112 of Indian Penal Code, 1860 (for short 'IPC') and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') at Police Station Khol, District Rewari was

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registered against him. On account of said FIR, the respondent refused to issue appointment/joining letter which has forced the petitioner to file the instant petition.

3. Learned counsel for the petitioner submits that there was no column in the application form with respect to concluded criminal case especially where candidate has been acquitted, thus, petitioner in the application form could not disclose factum of his acquittal in criminal case. He was acquitted by Trial Court vide judgment dated 07.02.2018. The respondent has rejected his claim relying upon Rule 12.18(3)(e) of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short '**PPR**'). Said Rule is inapplicable to him because he was not acquitted on technical grounds. There is no delay in approaching this Court. He preferred *CWP No.25420 of 2019* which was withdrawn on 03.12.2025 with liberty to file afresh with better particulars. *CWP No.25420 of 2019* was filed without assailing order impugned herein, thus, aforesaid writ petition was withdrawn and present petition has been filed.

4. *Per contra*, learned State counsel submits that petitioner was implicated in heinous crime of rape of a scheduled caste girl. He was acquitted because prosecutrix turned hostile. As per Rule 12.18(3)(e) of PPR, a candidate cannot be offered post of Constable if he is implicated in a heinous crime and acquitted on technical grounds. Rape in the aforesaid Rule has been considered as heinous crime and he was acquitted on technical ground i.e. prosecutrix turned hostile, thus, there is no infirmity in the impugned order.

5. Heard the arguments and perused the record.



6. The petitioner pursuant to aforesaid advertisement applied for the post of Constable. He cleared all the stages of recruitment process. The respondent conducted police verification and found that he was implicated in a criminal case. The respondent vide impugned order dated 09.10.2019 has held that petitioner cannot be considered for allotment of regimental number in view of Rule 12.18(3)(e) of PPR.

7. The impugned order as well as arguments of learned State counsel is based upon reading of Rule 12.18 of PPR, thus, it is inevitable to examine whether said Rule was violated by the petitioner entailing cancellation of his appointment. For the ready reference, Rule 12.18 of PPR 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. The respondent has rejected petitioner's claim while relying upon clause (e) of Rule 12.18(3) of PPR. Rule 12.18(3) of PPR 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 charge(s). 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

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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.

9. As per respondent, the petitioner was acquitted on technical ground i.e. material prosecution witness (prosecutrix) turned hostile. A close scrutiny of aforesaid clause reveals that said clause is applicable if following ingredients are satisfied:

- i) Candidate is involved in any heinous crime e.g. offences relating to sovereignty of the State or national integrity, smuggling of narcotic drugs, murder, rape, dacoity, robbery, kidnapping, acid attack etc.;
- ii) He is acquitted by Court;
- iii) The acquittal is based upon technical grounds; and
- iv) Technical grounds means Court has recorded its opinion that star/material prosecution witnesses have either been killed or have died or remained untraced or turned hostile or won over.



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10. In the case in hand, the petitioner was implicated in FIR No.284 dated 18.09.2017 under Sections 346, 323, 328, 342, 363, 366 376 and 112 of IPC and Section 3 of SC/ST Act. Investigating agency filed its report and petitioner faced trial. He was acquitted by Trial Court vide judgment dated 07.02.2018 because prosecutrix turned hostile. *Prima facie*, it appears that his case is covered by aforesaid clause of Rule 12.18(3) of PPR, however, deep scrutiny of judgment of acquittal discloses otherwise. Relevant extracts of the findings recoded by the Trial Court read as:

“10. With due regards to rival contentions and facts on record, this court is of the view that prosecution has miserably failed to prove the allegations of rape, kidnapping, wrongful confinement, of giving sedative, abetment to commit offence and offence against a girl from scheduled caste etc., as only witness who could have proved the allegation is the PW8 the prosecutrix, a major girl, who has not supported the contents of statement recorded under section 164 Cr.P.C. Ex.PE. She has categorically deposed before the court that she had accompanied the accused on her own sweet will on his bike to Behror and from there they went to Gaziabad and thereafter to Gurugram and they remained there till 20.09.2017. She further deposed that accused established physical relation with her consent. Once the prosecutrix herself is not stating anything about her intoxication, wrongful confinement, kidnapping, rape and of commission of any crime against her because she belonged to scheduled caste, no offence of any kind is established against either of the accused. Not only this, version gets support from PW10 and PW11 brother and father of prosecutrix, respectively. Since, remaining witnesses have deposed about post incident period and the complainant and her family members did not stand by their statements given to police or to Magistrate, accused deserves benefit of doubt as the allegations do not stand proved beyond reasonable doubt.



12. Since, in the case in hand, the prosecutrix, a major girl, has not supported the case for prosecution, she does not deserve any compensation under Section 357 or 357A Cr.P.C., as such provisions are meant for genuine cases and not for the one lodged otherwise, or made toothless by turning hostile. This court is of the view that it is a case wherein actually the prosecutrix and Sanjeet both more than 18 years of age, had eloped because of their love for each other but subsequently case was filed under the social pressure of the family members of prosecutrix which pressure apparently faded away during trial with an aim to give final burial to the relationship of two amicably either in positive or in negative way.”

From the reading of above-quoted findings, it is evident that Trial Court has recorded specific finding to the effect that prosecutrix and petitioner were more than 18 years of age, had eloped because of their love for each other but subsequently case was filed under the social pressure of the family members of the prosecutrix which apparently faded away during trial. These findings of Trial Court reveal that Court was of the firm opinion that petitioner had not committed alleged offence of rape. It was a consensual relation embedded in love.

This Court has further perused statement of prosecutrix. From the perusal of statement of prosecutrix, it is evident that she had not simply resiled from her statement whereas she had categorically deposed that she was in love and eloped with the petitioner as per her own will. There was no pressure of the petitioner. The statements of prosecutrix and findings of Trial Court make it clear that Court has not recorded its opinion that petitioner was acquitted on technical ground. Thus, it would amount to mechanical and casual reading of judgment of acquittal and Rule 12.18(3)(e), if it is held that



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petitioner's case is covered by Rule 12.18(3)(e) and he is not eligible for the post of Constable.

11. The Hon'ble Supreme Court in ***Ram Lal v. State of Rajasthan, 2023 SCC Online SC 1618*** has held that Courts are supposed to examine the judgment of acquittal while adjudicating departmental proceedings. The relevant extracts of the judgment read as:

“28. Expressions like “benefit of doubt” and “honorably acquitted”, used in judgments are not to be understood as magic incantations. A court of law will not be carried away by the mere use of such terminology. In the present case, the Appellate Judge has recorded that Exh. P-3, the original marksheet carries the date of birth as 21.04.1972 and the same has also been proved by the witnesses examined on behalf of the prosecution. The conclusion that the acquittal in the criminal proceeding was after full consideration of the prosecution evidence and that the prosecution miserably failed to prove the charge can only be arrived at after a reading of the judgment in its entirety. The court in judicial review is obliged to examine the substance of the judgment and not go by the form of expression used.”

12. The 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

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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.”

13. The petitioner approached this Court in 2019 by way of *CWP No.25420 of 2019*. Said petition was withdrawn on 03.12.2025 with liberty to file afresh. The petitioner is before this Court since 2019 i.e. year of conclusion of selection process, thus, it cannot be held that claim of petitioner is hit by doctrine of delay and laches.

14. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. Impugned order dated 09.10.2019 is hereby set aside. The respondent is directed to issue appointment letter to the petitioner within six weeks from today subject to medical examination.

15. As conceded by learned counsel for the petitioner, the date of joining of the petitioner shall be his date of appointment for all intents and purposes (service benefits).

(JAGMOHAN BANSAL)
JUDGE

05.02.2026*Mohit Kumar*

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