



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

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Date of Decision: 30.01.2026

1. CWP-32824-2024

VED PARKASH

...Petitioner

Vs.

STATE OF PUNJAB AND ORS.

...Respondents

2. CWP-4320-2025

MANJINDER SINGH

...Petitioner

Vs.

STATE OF PUNJAB AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sumit Brar, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from **CWP-32824-2024**.

2. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of communication dated 01.10.2024 whereby his candidature has been rejected on the ground that he was implicated in a criminal case.

3. The petitioner pursuant to Advertisement No. 3/2021 applied for the post of Intelligence Assistant (Constable) in the Intelligence Cadre and Constable in Punjab Police Investigation Cadre (PBI)-2021. He

applied under Ex-Servicemen (Scheduled Caste) 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. 57 dated 12.09.2012 under Sections 498A, 406, 506, 34 IPC, P.S. Taragarh, Pathankot was registered against him. On account of said FIR, the respondent by impugned order has cancelled his candidature.

4. Learned counsel for the petitioner submits that petitioner inadvertently did not disclose in the application form factum of concluded trial wherein he was acquitted. There was no *mala fide* intention on his part. Hon'ble Supreme Court in ***Ravindra Kumar v. State of Uttar Pradesh and others, (2024) 5 SCC 264***, while noticing its judgments in ***Avtar Singh v. Union of India and others, (2016) 8 SCC 471*** and ***Pawan Kumar v. Union of India and Anr., (2022) SCC OnLine SC 532***, has held that Courts while adjudicating such matters should consider antecedents, nature of offence, timing of criminal case, overall judgment of acquittal, nature of query in application/verification form and socio-economic strata of the candidate before adjudicating claim of the candidate. The petitioner belongs to poor strata of the society and was not involved in a serious crime or crime involving moral turpitude. Court may take lenient view. Denial of job would be great injustice and prejudice to him.

5. *Per contra*, learned State Counsel submits that petitioner did not disclose factum of concluded FIR in the application form. There was specific column in the application form. There was suppression on the part of petitioner, thus, despite acquittal prior to filing application form,

he cannot be issued appointment letter. As per advertisement, his selection was liable to be dismissed summarily.

6. Heard the arguments and perused the record.

7. The conceded position emerging from record is that the petitioner served in the Indian Army for 17 years. He applied for the post of Constable under Ex-Serviceman Category. He cleared all the stages of recruitment process, however, was denied appointment letter on account of non-disclosure of FIR registered against him. He was implicated in FIR under Section 498A, 406, 506 IPC. He was acquitted vide judgment dated 11.01.2018 passed by trial Court. Appeal against acquittal came to be dismissed vide order dated 27.09.2019 passed by learned ASJ Pathankot. The petitioner filed application form in August' 2021. By the said date, he had already been acquitted by trial Court and appeal filed by State stood dismissed. In the application form there was column with respect to FIR or criminal case ever registered against the candidate. The petitioner did not disclose factum of criminal case which was registered against him. It amounted to suppression of facts on his part. The respondent has cancelled his appointment on the ground of suppression of factum of FIR.

8. A three-Judge Bench of Hon'ble Supreme Court in *Avtar Singh (supra)* has adverted to question of appointment of a candidate who was/is involved in a criminal case. The Court after noticing a plethora of judgments has culled out legal position as below:

“38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of the aforesaid discussion, we summarise our conclusion thus:

38.1. Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

38.2. While passing order of termination of services or cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information.

38.3. The employer shall take into consideration the government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

38.4. In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/verification form and such fact later comes to knowledge of employer, any of the following recourse appropriate to the case may be adopted:

38.4.1. In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.

38.4.2. Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

38.4.3. If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.

38.5. In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still

has the right to consider antecedents, and cannot be compelled to appoint the candidate.

38.6. In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion may appoint the candidate subject to decision of such case.

38.7. In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.

38.8. If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.

38.9. In case the employee is confirmed in service, holding departmental enquiry would be necessary before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.

38.10. For determining suppression or false information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.

38.11. Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him.”

[Emphasis Supplied]

9. The Supreme Court in ***“Ram Lal vs. State of Rajasthan”***, **2023 SCC Online SC 1618** has held that Courts are supposed to look into 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.”

10. Hon’ble Supreme Court in ***Ravindra Kumar (supra)*** has held that nature of offence, timing and nature of criminal case, the judgment 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 the suitability and nature of relief to be ordered. The relevant extracts of the judgment read 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.

33. xxx xxx xxx

34. *On the facts of the case and in the backdrop of the special circumstances set out hereinabove, where does the non-disclosure of the unfortunate criminal case, (which too ended in acquittal), stand in the scheme of things? In our opinion on the peculiar facts of the case, we do not think it can be deemed fatal for the appellant. Broad-brushing every non-disclosure as a disqualification, will be unjust and the same will tantamount to being completely oblivious to the ground realities obtaining in this great, vast and diverse country. Each case will depend on the facts and circumstances that prevail thereon, and the court will have to take a holistic view, based on objective criteria, with the available precedents serving as a guide. It can never be a one size fits all scenario.*

11. As per judgment of Supreme Court in ***Avtar Singh (supra)*** as well as ***Pawan Kumar (Supra)*** mere suppression of information in a given case does not mean that employer can arbitrarily reject claim of the candidate. The authorities are bound to judiciously examine claim of the candidate. In the present case, the petitioner is an Ex-Serviceman. He has served in Indian Army for 17 years. He is not involved in any offence except aforesaid. FIR was lodged by his wife on account of matrimonial discord. The trial Court acquitted him holding that prosecution has failed to prove its case. The trial Court found that father of complainant categorically deposed that there was no demand of dowry and dispute was regarding mental treatment of the complainant. Relevant extracts of the judgment dated 11.01.2018 passed by trial Court read as:-

“15. Moreover, complainant's father Hans Raj (PW3) has himself admitted during his cross-examination that, dowry was never demanded. Rather, there has been dispute between the parties regarding getting mental treatment of Jeevan Jyoti by her in-laws family member or by parental side. Not only this, the allegations of demand of dowry and not believable as correct because, had there been actual demand of said dowry by accused from complainant then, same should have definitely been reported to complainant's father Hans Raj (PW3); who has been serving police official, at Pathankot itself.”

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“17. As observed above, this court has come to the considered conclusion that, said allegations/ deposition made by PW1 to PW3 are not reliable and trustworthy. So, allegations of demand of dowry and alleged mental and physical cruelty subjected upon Jeevan Jyoti stands not proved.”

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“25. In view of the findings of this Court as made above, it stand hereby concluded that, the allegation of demand of dowry and its misappropriation by accused stands not proved. So, constitution of offence under section 406 IPC stands not proved.

26. As concluded above, this Court has come to the considered view that, no offence under Section 498-A, 506, 406 / 34 IPC could have been proved against any of appearing accused beyond reasonable doubts and thereby all said allegations stands 'not-proved? Thereby, all the appearing accused are thereby acquitted from the charges served upon them, while giving them benefit of doubt. Their bail bonds and surety bonds are discharged. File be consigned to the record room, complete in all respects.”

12. From the findings recorded by trial Court, it is evident that there was a family dispute between the petitioner and his wife with

respect to her treatment. Criminal law was put into motion, however, it was not a case of demand of dowry. In such circumstances, trial Court acquitted him and appellate Court dismissed appeal filed by complainant and State.

13. The petitioner was indubitably guilty of suppression of factum of FIR registered against him. His case needs to be examined in the light of findings recorded by Hon'ble Supreme Court in para No.38.4 of *Avtar Singh (supra)* and para Nos.28 and 29 of *Ravindra Kumar (supra)*. The petitioner belongs to Scheduled Caste Category. He is an Ex-Serviceman. He was not involved in any criminal case other than aforesaid case. He was acquitted prior to filing application form. The alleged offence was not serious and prosecution miserably failed to prove its case. The respondent has mechanically rejected his case. There is no Rule in Punjab Police Rules, 1934 (in short 'PPR') which provides for outright rejection of application in case of non-disclosure of pending or concluded FIR. It is apt to mention here that PPR applicable to State of Punjab provide for rejection of application in case of non-disclosure of FIR. In the present case, requirement of disclosure of even concluded FIR was in the application form. The petitioner was acquitted much prior to filing application form. His case was required to be examined in totality, however, respondent rejected his appointment summarily and without examining law laid down by Apex Court. Case of petitioner is positively covered by afore-cited judgments of Supreme Court.

14. For the sake of clarity, it is hereby observed that Manjinder Singh (petitioner in *CWP-4320-2025*) was implicated in FIR No. 166 dated 30.07.2018 under Section 323, 34 IPC. Police never arrested him

rather filed untraced report which was duly accepted by trial Court vide order dated 19.08.2020. The application form was filed in August' 2021. He belongs to Scheduled Caste Category and is not involved in any other offence.

15. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petitions deserve to be allowed and are accordingly allowed. The respondent is directed to issue appointment letters to the petitioners within a period of four weeks from today. As conceded by petitioners, their date of joining will be considered their date of appointment for all intents and purposes.

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

(JAGMOHAN BANSAL)
JUDGE

January 30, 2026
Deepak DPA

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