



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-3517-2020

Harpreet SinghPetitioner

Versus

State of Punjab and othersRespondents

1.	The date when the judgment is reserved	06.07.2026
2.	The date when the judgment is pronounced	14.07.2026
3.	The date when the judgment is uploaded on	14.07.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	Not applicable

CORAM: HON’BLE MR. JUSTICE NAMIT KUMAR

Argued by : Mr. Nitin Verma, Advocate for
Mr. S.K. Chawla, Advocate for the petitioner.

Mr. P.I.P. Singh, Addl. A.G., Punjab.

NAMIT KUMAR, J.

1. The petitioner has filed the instant petition under Articles 226/227 of the Constitution of India, seeking issuance of a writ of certiorari for quashing the order dated 18.09.2012 (Annexure P-10), passed by the Additional Director General of Police, Admn., Punjab, Chandigarh and order dated 11.04.2019 (Annexure P-12), passed by the Inspector General of Police, Punjab, whereby the claim of the petitioner for appointment to the post of Constable has been rejected.
2. Briefly stated the facts of the case are that in pursuance to the advertisement issued by the Punjab Armed Police, the petitioner was



selected for enrolment as a Constable in 13th Battalion, P.A.P., in the year 2006 and was issued a constabulary number. However, before he could join his duty, his candidature was cancelled and the constabulary number allotted to him was withdrawn, vide order dated 03.10.2009 (Annexure P-3) by the Commandant, 13 Battalion, P.A.P., Chandigarh on account of non-disclosure of FIR No.51 dated 01.06.2000 registered under Sections 452, 506, 148 & 149 of Indian Penal Code, 1860 at Police Station Jaitu, District Faridkot against the petitioner. Against the said order, the petitioner had served a legal notice dated 14.10.2009 upon the respondents, however, when no action was taken on the said legal notice by the respondents, the petitioner had approached this Court by filing *CWP No.955 of 2010 (Harpreet Singh Vs. State of Punjab and others)*, which was disposed of by this Court, vide order dated 21.10.2010 (Annexure P-4), with a direction to the respondents to look into the petitioner's grievances as contained in legal notice dated 14.10.2009 and redress the same by passing a speaking order within a period of 03 months. Thereafter, vide letter dated 19.01.2011 (Annexure P-5), the petitioner was directed to appear in the Office of the Punjab Police Headquarters, Sector-9, Chandigarh, on 25.01.2011 at 10:00 A.M., along with the documents pertaining to the aforementioned FIR. In compliance with the said directions, the petitioner duly appeared before the concerned authorities and produced a copy of the judgment/order of his acquittal passed by the learned Judicial Magistrate First Class, Faridkot. Since nothing was done by the respondents, the petitioner again submitted representations dated 28.04.2012 & 25.06.2012 (Annexures P-7 & P-8) and thereafter, vide



letter dated 18.08.2012 (Annexure P-9), the petitioner was again asked to appear in person before the Deputy Inspector General of Police, Punjab, Chandigarh on 22.08.2012. The petitioner duly appeared and produced all the requisite papers relating to his acquittal in the abovesaid FIR. However, the claim of the petitioner was rejected, vide impugned order dated 18.09.2012 (Annexure P-10), passed by the Additional Director General of Police, Admin, Punjab, Chandigarh. Aggrieved against the said order, the petitioner approached this Court by filing *CWP No.27808 of 2013 (Harpreet Singh Vs. State of Punjab and others)* (Annexure P-11), which was disposed of, vide order dated 08.10.2018, with a direction to the respondents to consider the case of the petitioner in terms of judgment of Hon'ble Supreme Court in ***Avtar Singh Vs. Union of India and others : (2016) 8 SCC 471***, within a period of 03 months and in case, on consideration, the competent authority reaches to the conclusion that benefit claimed by the petitioner is admissible to him, in such eventuality, the consequential relief be allowed to him within a period of 06 weeks thereafter. However, in case, the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed. In pursuance to the said directions, the claim of the petitioner was considered by the Director General of Police, Punjab, however the same was rejected, vide impugned order dated 11.04.2019 (Annexure P-12).

3. Aggrieved against the orders dated 18.09.2012 (Annexure P-10) and 11.04.2019 (Annexure P-12), the petitioner has preferred the instant petition.



4. Reply by way of an affidavit of Sh. Balram Rana, PPS, Deputy Superintendent of Police, 13th Battalion, P.A.P., Chandigarh, on behalf of respondents No.1 to 6 has been filed, wherein it has been stated as under :-

“1. That it is an admitted fact of the case that in the year 2000, a criminal case, F.I.R No. 51, dated 01.06.2000 under section 452/506/148/149 IPC, Police Station Jaito was registered against the petitioner. It is also an admitted fact of the case that the petitioner was acquitted of the charges due to compromise reached between the parties. It is pertinent to submit here that the petitioner has applied for the post of constable in the Punjab Armed Police in the month of August, 2006 vide application form No. 077845, dated 28.08.2006. The petitioner concealed the material information while filing submitting his application form, whereas each applicant was required to mention in the column No. 17 of the said application form that whether any criminal case had been registered against him and further to mention the details of the same. It is further pertinent to submit here that in the column No. 19 of the application form, which was pertaining to verification of the contents of the application form as supplied by the candidates was also signed by the petitioner declaring that the details given in the application form were true and correct. It was further declared by the petitioner that if any aforementioned information is found to be incorrect before or after the test/interview, then the candidature and all his rights of recruitment/enlistment be considered forfeited. A true translated copy of his application form No. 077845 is annexed as Annexure R-1. In this way, by the deceitful manner, the petitioner succeeded to compete with other candidates having good and moral character without disclosing the information



regarding criminal case registered against him. If the petitioner disclosed this materialistic information in his application form then his candidature must have been cancelled and he must have not been allowed to compete in the recruitment because Rule 12.14(1) of the Punjab Police Rules provides that a recruit shall be of good character and therefore, great care shall be taken in selecting the men from the candidates. The provision of rule 12.14(1) is produced as under :

xx xx xx xx xx xx xx xx xx

2. The Petitioner intentionally concealed this material information regarding registration of aforementioned criminal case and in a deceitful manner succeeded to compete with other candidates and got his name approved for enlistment as constable in the Punjab Armed Police by cheating and playing fraud with the department.”

5. Learned counsel for the petitioner has submitted that since the petitioner had already been acquitted in the criminal case, therefore, the factum of said FIR was not disclosed in the application form and as such there was no bad intention or intentional concealment on the part of the petitioner and the same was not disclosed on bona fide belief that since he has already been acquitted, therefore, there is no need to mention the details of the said FIR. He has further submitted that a compromise has been effected in the said case and consequently, the petitioner was acquitted and the said case has no bearing upon the service of the petitioner as a Constable and, therefore, the action of the respondents in withdrawing the constabulary number allotted to the petitioner, vide order dated 03.10.2009 (Annexure P-3) is totally illegal and arbitrary and appropriate directions may be issued to the



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respondents to appoint the petitioner as Constable with all consequential benefits.

6. Per contra, learned State counsel has submitted that since the petitioner has concealed the material information qua registration of FIR against him in the application form and the said fact came to the knowledge of the department at the time of verification of character and antecedents of the petitioner, therefore, the offer of appointment has rightly been withdrawn by the respondents.

7. I have heard learned counsel for the parties and perused the record with their able assistance.

8. The facts are not in dispute that the petitioner was selected for enrolment as a Constable in the year 2006 and was issued a constabulary number, however, before he could join his duties, his candidature has been cancelled and constabulary number allotted to him has been withdrawn, vide order dated 03.10.2009 (Annexure P-3) on account of non-disclosure of his criminal antecedent.

9. The only question which arises for consideration before this Court is as to whether non-disclosure of material information, as sought in the application form, for enrolment as Constable, would defeat the right of appointment or not ?

10. Before proceeding further, it would be apt to refer to paras 17 & 19 of the application form which was filled by the petitioner when he applied for the post of Constable :-

“17. Whether any criminal case was registered against you ?

☐

Yes

☐

No



If yes, then give details as follows :-

Sr. No.	Court Case/ F.I.R. No.	Date	Name of the Court/PS	Under Section	Decision Conviction/ Acquittal/ pending	If Convicted then give details

18. xx xx xx xx xx

19. **Verification :**

I, verify that all the above mentioned details given in this application form are true and correct to the best of my knowledge and belief. If any of the aforesaid information is found incorrect and wrong, before or after the test/interview, then my candidature may be considered cancel and my all rights regarding recruitment may be forfeited. I also undertake that if the selection board finds me guilty of having violated any rule/condition related to written test or selection process then my candidature may be considered cancel and the recruitment board can declare me fail independently.”

11. Rule 12.14(1) of the Punjab Police Rules provides that a recruit shall be of good character and therefore, great care shall be taken in selecting the men from the candidates. Rule 12.14(1) reads thus :-

“12.14(1) - Recruits shall be of good character and great care shall be taken in selecting the men of a type suitable for Police Service from the candidates presenting themselves for enrolment.”

12. Admittedly, the petitioner was involved in FIR No.51 dated 01.06.2000 registered under Sections 452, 506, 148 & 149 of Indian Penal Code, 1860 at Police Station Jaitu, District Faridkot. Although, he was acquitted in the said case, vide order dated 16.12.2000 passed by the Court of learned Judicial Magistrate First Class, Faridkot, as the matter was compromised between the parties and the complainant



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requested for withdrawal of the prosecution, however, once the said information was required to be disclosed in the application form which was submitted by the petitioner while applying for the post of Constable, the same was not disclosed by him and there is an active concealment on his part.

13. Hon'ble Supreme Court in ***Devendra Kumar Vs. State of Uttaranchal and others : 2013(9) SCC 363*** has held that non-disclosure of such like information is itself a moral turpitude. The relevant portion of the said judgment reads thus :-

“10. So far as the issue of obtaining the appointment by misrepresentation is concerned, it is no more res integra. The question is not whether the applicant is suitable for the post. The pendency of a criminal case/proceeding is different from suppressing the information of such pendency. The case pending against a person might not involve moral turpitude but suppressing of this information itself amounts to moral turpitude. In fact, the information sought by the employer if not disclosed as required, would definitely amount to suppression of material information. In that eventuality, the service becomes liable to be terminated, even if there had been no further trial or the person concerned stood acquitted/discharged.

11-21. xx xx xx xx xx

22. *In the instant case, the High Court has placed reliance on the Govt. Order dated April 28, 1958 relating to verification of the character of a Government servant, upon first appointment, wherein the individual is required to furnish information about criminal antecedents of the new appointees and if the incumbent is found to have made a false statement in this regard, he is liable to be*



discharged forthwith without prejudice to any other action as may be considered necessary by the competent authority.

The purpose of seeking such information is not to find out the nature or gravity of the offence or the ultimate result of a criminal case, rather such information is sought with a view to judge the character and antecedents of the job seeker or suitability to continue in service. Withholding such material information or making false representation itself amounts to moral turpitude and is a separate and distinct matter altogether than what is involved in the criminal case.

23. *More so, if the initial action is not in consonance with law, the subsequent conduct of a party cannot sanctify the same. "Subla Fundamento cedit opus"- a foundation being removed, the superstructure falls. A person having done wrong cannot take advantage of his own wrong and plead bar of any law to frustrate the lawful trial by a competent Court. In such a case the legal maxim Nullus Commodum Capere Potest De Injuria Sua Propria applies. The persons violating the law cannot be permitted to urge that their offence cannot be subjected to inquiry, trial or investigation. (Vide: **Union of India v. Maj. Gen. Madan Lal Yadav**, 996(2) S.C.T. 347 : 1996(2) RCR (Criminal) 103 : AIR 1996 Supreme Court 1340 and **Lily Thomas v. Union of India & Ors.**, 2000(3) RCR (Civil) 252 : AIR 2000 Supreme Court 1650).*

Nor can a person claim any right arising out of his own wrong doing. (Juri Ex Injuria Non Oritur).

24. *The courts below have recorded a finding of fact that the appellant suppressed material information sought by the employer as to whether he had ever been involved in a criminal case. Suppression of material information sought*



by the employer or furnishing false information itself amounts to moral turpitude and is separate and distinct from the involvement in a criminal case.

In view of the above, the appeal is devoid of any merit and is accordingly dismissed.”

14. To the similar effect there are judgments of Hon’ble Supreme Court in ***Bharat Coking Coal Ltd. Vs. Workmen being represented by Janta Mazdoor Sangh : 2021(4) SCT 83; Rajasthan Rajya Vidyut Prasaran Nigam Limited and another Vs. Anil Kanwariya : 2021(4) SCT 131*** and ***Government of NCT of Delhi and others Vs. Bheem Singh Meena : 2022(2) SCT 454.***

15. A three Judge Bench of Hon’ble Supreme Court in ***Avtar Singh Vs. Union of India and others : (2016) 8 SCC, 471*** has adverted with question of appointment of a candidate who was/is involved in a criminal case. The Court after noticing 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]

16. A two Judge Bench of Supreme Court in **Satish Chandra Yadav Vs. Union of India and others : 2023 (7) SCC 536** has adverted with the question of appointment of a candidate against whom criminal



case is pending/or was instituted. The Court has laid down guidelines as below :-

“93. In such circumstances, we undertook some exercise to shortlist the broad principles of law which should be made applicable to the litigations of the present nature. The principles are as follows:

93.1. Each case should be scrutinised thoroughly by the public employer concerned, through its designated officials — more so, in the case of recruitment for the Police Force, who are under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is a bulwark to society's security. (See Raj Kumar [State v. Raj Kumar, (2021) 8 SCC 347 : (2021) 2 SCC (L&S) 745])

93.2. Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.

93.3. The suppression of material information and making a false statement in the verification form relating to arrest, prosecution, conviction, etc. has a clear bearing on the character, conduct and antecedents of the employee. If it is found that the employee had suppressed or given false information in regard to the matters having a bearing on his fitness or suitability to the post, he can be terminated from service.

93.4. The generalisations about the youth, career prospects and age of the candidates leading to condonation



of the offenders' conduct, should not enter the judicial verdict and should be avoided.

93.5. The Court should inquire whether the authority concerned whose action is being challenged acted mala fide.

93.6. Is there any element of bias in the decision of the authority?

93.7. Whether the procedure of inquiry adopted by the authority concerned was fair and reasonable?"

[Emphasis Supplied]

17. In the present case, the petitioner deliberately not disclosed his criminal antecedents at the time of filling application form for the post of Constable. It is not the case of the petitioner that he was unaware of his antecedents. He was very much aware of the case already adjudicated upon. The claim of the petitioner is that he had already been acquitted in FIR prior to filling of application form for the post of Constable, thus, non-declaration of antecedents can be condoned.

18. The Apex Court in ***Avtar Singh (supra)*** in paragraph No.38.5 has held that where an 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. In Paragraph No.38.7, it has been held that in case of deliberate suppression of fact, an employer may pass appropriate order cancelling candidature or terminating services. The similar observation has been made by Hon'ble Supreme Court in ***Satish Chandra Yadav (supra)*** as well. The employer could consider nature of criminal case or its status, however, the petitioner as per his wisdom had decided not to



disclose his antecedents. The act of the petitioner comes in the teeth of afore-cited judgments of the Apex Court.

19. In view of the above, this Court does not find any illegality or infirmity in the order dated 18.09.2012 (Annexure P-10), passed by the Additional Director General of Police, Admn., Punjab, Chandigarh and order dated 11.04.2019 (Annexure P-12), passed by the Inspector General of Police, Punjab, whereby the claim of the petitioner for appointment to the post of Constable has been rejected on the ground of non-disclosure of his criminal antecedents.

20. Consequently, the instant petition being bereft of merit is hereby dismissed with no order as to costs.

14.07.2026
Kothiwal

(NAMIT KUMAR)
JUDGE

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