

CWP No. 8401 of 2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 8401 of 2014.
Date of Decision : 26.11.2015.

Bhupinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Surinder Garg, Advocate for the petitioner.

Mr. S.S. Chandumajra, Addl. A.G., Punjab.

Paramjeet Singh, J.(Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting-aside the order dated 09.05.2012 (Annexure P-2) passed by respondent No. 3 and order dated 30.10.2013 (Annexure P-4) passed by respondent No. 2 vide which the Arms licence of the petitioner has been cancelled on the ground that a criminal case has been registered against him.

Brief facts of the case are that the petitioner was issued an Arms licence No. 810/D.M./P.S. Sangat in his name. He applied for renewal of the said licence before the District Magistrate/Deputy Commissioner, Bathinda. The said application was entrusted to Addl. Deputy Commissioner-cum-Addl. District Magistrate Bathinda i.e. respondent No. 3 who

sought report from the Senior Superintendent of Police, Bathinda. The Senior Superintendent of Police, Bathinda reported that an FIR No. 50, dated 07.05.2009, under Sections 307, 148, 149 of the Indian Penal Code read with Section 25 of the Arms Act has been registered against the petitioner. Thereafter the licence of the petitioner was cancelled vide impugned order dated 09.05.2012 (Annexure P-2) passed by respondent No. 3. Even an appeal preferred by the petitioner has also been dismissed by the learned Commissioner vide order dated 30.10.2013 on the ground of registration of aforesaid FIR against the petitioner. Hence, this writ petition.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner vehemently contended that the said FIR was false and fabricated and the same has already been cancelled. He has made a reference to para 5 of the reply dated 07.01.2015 filed by respondents No. 1 to 3, which reads as under :-

"5. That in reply to contents of para No. 5, at the risk of repetition, it is again submitted that mere preparation of another cancellation report by the D.S.P. (Rural), Bathinda against the petitioner does not ipso-facto exonerate him from the criminal charges, until it is accepted by the Competent Court of law. In the present case, though another cancellation report was prepared by the D.S.P. (Rural) Bathinda but the same was not accepted by the Court of Law till the passing of impugned order

dated 09.05.2012 (Annexure P-2). However as intimated by the Senior Superintendent of Police, Bathinda vide his letter dated 20.10.2014, now this cancellation report has been accepted by the Hon'ble Court of Sh. Gurmeet Singh JMIC, Bathinda on 29.05.2014."

Learned State counsel does not dispute the fact with regard to acceptance of the cancellation report by the Judicial Magistrate, Bathinda.

I have considered the contentions raised by learned counsel for the petitioner.

The sole ground for cancellation of the licence was that petitioner is involved in criminal case. In view of the fact that cancellation report has been submitted and the same has also been accepted by the Court of learned Judicial Magistrate, Bathinda on 29.05.2014, the impugned orders dated 09.05.2012 (Annexure P-2) and 30.10.2013 (Annexure P-4) are set-aside. However, the District Magistrate, Bathinda shall pass an appropriate order with regard to renewal/revival of the licence, preferably within a period of three months from the date of receipt of certified copy of this order, in accordance with law.

Disposed of.

November 26, 2015.
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(PARAMJEET SINGH)
JUDGE