

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

LPA No. 431 of 2015 (O&M)

DATE OF DECISION : 23.03.2015

Jaspal Singh

.... APPELLANT

Versus

The State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Satbir Gill, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 11.02.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 12251 of 2000) filed by Anoop Singh (respondent No.4 herein) has been disposed of while observing as under :-

“I am not testing the case of a person's entitlement to an arms licence by raising a moral question of whether a person has the propensity to speak truth or not. I am not exercising a discretionary jurisdiction that some of the equitable reliefs would require to confront while assessing whether a person should be granted the relief or not. Even if there had been an application for renewal of licence when the licence itself had been cancelled, I will not take that to be a fact that should be held out at all times when the issue of

whether the licence could be cancelled or not is brought up for hearing. A dispute that existed in the year 1999 between private parties and an assessment of breach of peace cannot be used in the year 2015 as a circumstance for denial. Even countries at war make peace. Private individuals ought to know better and behave better. A private individual cannot keep a dispute alive only in order that arms licence obtained by another shall not continue and that he should permanently be deprived of such a licence. A world that craves for peace may at some point of time arrive to a situation where no arms are necessary. We are still living in a region of India where possession of arms is legitimate but subject to licence conditions. The denial ought to be rooted in what the law itself provides for. A fickle minded person who has a reason to be angry with everybody else, cannot prevent the grant of licence to a person or renewal, if he has already one. The opposition from the private respondent, in my view, is fickle and fragile and it must be kept out of reckoning of the state before undertaking an appraisal for grant of licence to the petitioner. He is not asking for a new one. He held one already. It was cancelled for existence of a particular law and order situation more than a decade back. The State shall re-examine the present situation in the light of the observations made above and consider the petitioner's plea afresh and if there is no serious danger on an objective appraisal, the petitioner shall be granted licence. The whole exercise shall be undertaken within four weeks from the date of receipt of a copy of this order.”

The appellant is intervenor/complainant, on whose complaint the arms license of respondent No.4 was cancelled. In our opinion, the learned Single Judge has rightly remanded the matter, while making the aforesaid observations. As far as the appellant is concerned, he has brought certain facts to the notice of the authority, who had granted the arms license

to respondent No.4. According to those facts, keeping in view the law and order situation, granting of an arms license to such a person was not appropriate. Be that as it may, the fact remains that it is for the authorities to see all these facts as the matter has been remanded to re-examine the issue. Thus, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

March 23, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE