

CWP No.12048 of 2015

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

**CWP No.12048 of 2015
Date of decision:10.03.2016**

Ashok Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Akshay Jain, Advocate,
for the petitioner.

Mr. Suresh Singla, Addl. A.G., Punjab.

Rakesh Kumar Jain, J. (Oral)

This petition is filed to challenge the order dated 24.03.2015 passed by respondent No.3 whereby application for renewal of Arm license of the petitioner has been declined.

In short, the petitioner is running a chemist shop in the name and style of M/s Jain Medical Hall at Sunam Road, Bhikhi, District Mansa and was holding an Arm license No.850/D.M./Mansa (ID No.6900), which was valid upto 17.02.2015. Before expiry of the license, the petitioner applied for its renewal vide acknowledgment receipt dated 05.02.2015. The office of respondent No.3 called for the report from the office of respondent No.2 (Superintendent of Police, Mansa). The application made by the petitioner for renewal of the Arm license was apparently declined on the ground that there were 5 criminal cases registered against the petitioner vide

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(1) FIR No.112 dated 01.08.2003, under Section 188 IPC, P.S. Bhikhi, (2) FIR No.193 dated 25.12.2003, under Section 188 IPC, P.S. Bhikhi, (3) FIR No.116 dated 27.06.2005, under Section 188 IPC, P.S. Bhikhi, (4) FIR No.151 dated 23.09.2004, under Section 188 IPC, P.S. Bhikhi and (5) FIR No.60 dated 10.08.2013, under Sections 22, 61, 85 of the NDPS Act, P.S. Bhikhi.

Counsel for the petitioner has submitted that out of the aforesaid 5 cases, 4 cases registered under Section 188 IPC have been quashed by this Court and FIR No.60 dated 10.08.2013, registered under Sections 22, 61 and 85 of the NDPS Act, P.S. Bhikhi stands cancelled. It is also submitted that respondent No.2 has also informed respondent No.3 that the petitioner has never caused any danger to the public life but still the recommendation was not made for renewal of his Arm license.

It is submitted that since the petitioner has not been found involved in any criminal case, therefore, the respondents have erred in exercise of their jurisdiction in declining renewal of his Arm licence.

Counsel for the respondents has only submitted that earlier renewal of Arm license of the petitioner was declined on account of pendency of the criminal cases but has fairly admitted that those cases have either been quashed or cancelled.

Keeping in view the totality of the facts and circumstances and especially the fact that respondent No.2 has mentioned in his remarks to the District Magistrate, Mansa that there is no danger to the public life at the hands of the petitioner, who has never used his fire Arm in the past in order

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to threaten life and liberty of any person, there is no reason for declining renewal of Arm license of the petitioner.

In view thereof, the present petition is hereby allowed, the impugned order dated 24.03.2015, declining renewal of Arm license of the petitioner, is quashed and respondent No.3 is directed to renew Arm license of the petitioner within a period of one month from the date of receipt of certified copy of this order.

March 10, 2016
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(Rakesh Kumar Jain)
Judge