

Sr. No.231

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

CWP No. 4345 of 2015

Date of decision: 4.07.2016

Bansi Lal

.....Petitioner

versus

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ravi Kant Sharma, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Rakesh Kumar Jain, J.(Oral)

The petitioner was holding an Arm license No. 2792/DM/SNP/2001 dated 22.10.2001 for DBBL Gun/Rifle and NPB Revolver/Pistol. This license was renewed and extended upto 28.10.2002 vide order dated 28.04.2002 passed by the District Magistrate, Amritsar and further extended upto 16.04.2003.

The petitioner was suspended on 3.01.2005, having been involved in a criminal case while posted as Naib-Tehsildar at Palwal. He was convicted and dismissed from service on 4.08.2006. However, his appeal against the conviction was allowed vide order dated 12.08.2011 and was reinstated into service vide order dated 18.12.2012.

The petitioner applied before the District Magistrate, Sonapat for renewal of license. His application was rejected on 18.02.2013 on the ground that the application for renewal of Arms license has been filed after a long delay i.e. from the date when the license had expired. The appeal filed before the Commissioner, Hisar was also dismissed on 8.07.2014 on

the ground that the application for the renewal of the Arms license has been filed after 9 years after an inordinate delay. However, the petitioner was given liberty to file a fresh application for the Arms license.

Aggrieved against the said order, the present petition has been filed.

Counsel for the petitioner has submitted that the application of the petitioner has been rejected in terms of Rule 54(4) of The Arms Rules, 1962 (for short, 'the Rules') in which it is provided that *“the licensing authority may consider an application for renewal of a licence, if the period between the date of its expiry and the date of application is not, in his opinion, unduly long with due regard to the circumstances of the case, and all renewal fee for the intervening period are paid; otherwise the application may be treated as one for grant of a fresh licence.”*

Counsel for the petitioner has submitted that because of the non-renewal of his license, his Arm is lying deposited with the private gun house which he can recover only if he is issued the valid license by the competent authority.

After arguing for some time, counsel for the petitioner has prayed that he may be allowed to withdraw the petition in order to take advantage of the order passed by the Commissioner, Hisar whereby permission has been given to him to apply for the fresh Arms license. Petitioner intends to file the application for a fresh arms license but at the same time, he has prayed that his application may be decided/considered expeditiously without being influenced with his past record of his conviction which has been set aside by the High Court in appeal. He has further prayed that the competent authority may be directed not to be

influenced by the observation of the Commissioner, Hisar wherein he has observed that even though the petitioner has been acquitted but the stigma still continues with him.

After hearing learned counsel for the parties and keeping in view the facts and circumstances of the case, this petition is disposed of with liberty to the petitioner to file an application for seeking a fresh Arms license and the competent authority, namely, District Magistrate, Sonapat is directed to decide the said application expeditiously without being influenced with the observations made earlier. The application of the petitioner, if so filed, shall be decided as early as possible preferably, within a period of 2 months.

4th July, 2016
Shivani Kaushik

[Rakesh Kumar Jain]
Judge