

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19997-2014

Date of Decision : 09.02.2017

Baldev Singh

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: None for the petitioner.

Ms. Anu Pal, Assistant Advocate General, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

The petitioner had an arms licence, which was valid up to December 05, 2008, but on account of the petitioner having been involved in a criminal case, the arms licence could not be renewed as it was attached with the judicial file. He was acquitted on September 30, 2009. The arms licence was released to the petitioner on January 29, 2010, by the Additional Sessions Judge, Ferozepur. The petitioner applied for renewal on July 19, 2010, after a period of six months, but since he allegedly kept the weapon with him without any valid arms licence, his arms licence was cancelled by Additional District Magistrate, Ferozepur. His appeal has also been dismissed by the Commissioner, Ferozepur Division, Ferozepur.

I have considered the facts and circumstances of the case

and I am of the opinion that there is a reasonable cause for the petitioner for not getting his licence renewed as the arms licence was in possession of the police and formed part of the judicial record. No doubt, the petitioner could have applied for renewal of the arms licence soon after the release of the licence from the Court, but, be that as it may, the delay of six months in filing the application for renewal of the arms licence has been reasonably explained. The said delay does not appear to be sufficient enough to penalize the petitioner for cancellation of his arms licence. In case there is not other circumstance against the petitioner, pertaining to his controversial antecedents, he should have been granted the licence.

The order passed by the Additional District Magistrate dated July 20, 2011 and the order passed by the Commissioner dated July 17, 2012, in appeal, are hereby set aside. The petitioner will be entitled to file fresh application for issuance of the arms licence.

In case, the petitioner approaches the competent authority within a period of one month, his application will be reconsidered and will be processed in accordance with law.

The petition is allowed with the above observations.

(M.M.S. BEDI)
JUDGE

February 09, 2017
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No