

In the High Court of Punjab and Haryana at Chandigarh.

**CWP-21578 of 2014
Decided on 26.7.2017**

Kulwinder Singh

--Petitioner

Vs.

State of Punjab and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.A.S.Gill, Advocate,for the petitioner

Mr. Saurav Khurana, DAG, Punjab

Mr.Shailendra Mohan, Advocate,for respondent No.4.

Rakesh Kumar Jain,J: (Oral)

This petition is filed for seeking a writ in the nature of certiorari for quashing the orders of the District Magistrate, Jalandhar dated 25.10.2012 and the Commissioner, Jalandhar Division, Jalandhar dated 27.11.2013 by which application filed by the petitioner for grant of Arms Licence (.32 Bore Revolver) has been declined.

In brief, the petitioner has alleged that he is a partner of the firm M/s. K.S.Sidhu Finance Company situated at Baba Murad Shah Road, District Jalandhar. The said firm is engaged in the business of finance.

The petitioner applied for grant of Arms License of .32 Bore Revolver on

06.09.2012 by submitting an application in the prescribed Form-A to the District Magistrate, Jalandhar, which was forwarded by him to the S.S.P, (Rural) Jalandhar for enquiry.

The S.S.P (Rural) vide his report recommended that the petitioner cannot be granted Arms Licence in terms of the letter of Government of India dated 31.3.2010. On the basis of that letter, the District Magistrate passed the order of declining the Arms Licence to the petitioner vide his order dated 25.10.2012. The said order was challenged in appeal by the petitioner which was dismissed by the Commissioner.

Learned counsel for the petitioner has submitted that the petitioner is engaged in the business of finance and has to visit remote areas for the purpose of collecting the instalments in cash, therefore, he needs an Arms Licence.

It is submitted that the respondents have not disclosed the report on the basis of which it has been found that there is no imminent threat to the petitioner which has been made the basis for declining the Arms Licence.

After notice, the respondents have filed their reply through D.S.P, Sub Division, Nakodar, who has specifically averred that the S.S.P marked the enquiry to him to assess threat perception to the petitioner. In the enquiry, he did not find any imminent threat to the petitioner and the report was submitted to the S.S.P, who did not recommend the grant of new Arms Licence to the petitioner in view of the instructions dated 31.3.2010 issued by the Ministry of Home Affairs, Government of India.

After hearing learned counsel for the parties and examining the

available record, I am of the considered opinion that there is no merit in this petition because of the Instructions dated 31.3.2010 issued by the Government of India, for the grant of Arms License for Prohibited Bore Weapons and Non-Prohibited Bore Weapons. It is provided therein that application for grant of NPB arms licenses may be considered for the persons who may face or perceive grave and imminent threat to their lives, for which the licensing authority will obtain an assessment of the threat faced by the persons from the police authorities. It is further provided that no licence may be granted without police verification which will include report on (i) antecedents of the applicant, (ii) assessment of the threat.

Reply filed by the D.S.P on behalf of respondent Nos. 1 to 4 categorically states that the enquiry marked by the District Magistrate to the S.S.P to find out as to whether there is any imminent threat perception to the petitioner for which he is asking for Arms License was handed over to him and he thereafter made enquiry in which he did not find any imminent threat to the petitioner and submitted his report to the S.S.P, who further recommended the same to the District Magistrate and in view of the instructions dated 31.3.2010, issued by the Government of India, in the absence of grave imminent threat to the life of the petitioner, arms license cannot be granted.

Accordingly, the District Magistrate, Jalandhar relying upon the recommendation of the S.S.P, Jalandhar, has passed the order of declining the application for grant of Arms License which was upheld in appeal by the Commissioner, Jalandhar Division, Jalandhar.

No other point has been raised before me by the learned

counsel for the petitioner.

In view of my above discussion, there is no merits in this petition and the same is hereby dismissed.

26.7.2017
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(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No