

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

CWP No.21708 of 2015
Date of decision : 28.03.2017

Sukhdev Singh @ Sukha Singh

...Petitioner

Versus

Commissioner Ambala Division, Ambala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Vineet Chaudhary, Advocate for the petitioner.

Mr. Rajbir Singh, AAG, Haryana.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the impugned orders dated 19.11.2012 (Annexure P-1) passed by the District Magistrate, Kurukshetra and 11.11.2014 (Annexure P-2) passed by the Commissioner Ambala vide which appeal of the petitioner for renewal of arms licence has been dismissed.

Learned counsel for the petitioner submits that order (Annexure P-1) reflects the involvement of the petitioner in 13 criminal cases though as per the information provided by his client and placed on record, in seven cases, has been acquitted. As far as other cases are concerned, on oral information, has been acquittal also, thus, the orders under challenge are not sustainable in the eyes of law. In support of his contention, he has relied upon ratio decidendi culled out by this Court in *Mahender Singh Vs. State*

of Haryana and others, 2012 (5) RCR (Civil) 580 and judgment of Allahabad High Court in Rajesh Kumar Singh Vs. State of UP, 2013 (99) ALR 781.

Per Contra, Mr. Rajbir Singh, AAG, Haryana submits that the registration of 13 cases are criminal in nature and in the interest of public peace and security, arms licence of the petitioner has rightly been cancelled and thus orders under challenge are perfectly legal and justified and does not call for interference.

I have heard learned counsel for the parties and appraised the paper book.

As regards the ratio decidendi culled out in Mahender case's (Supra), it was a case where order cancelling the licence did not depict any other provisions of law other than the order of conviction on which licence has been renewed whereas from the order of the Deputy Commissioner, the registration of the cases and in many of the cases, petitioner who was charged of offence under Sections 307 and 302 IPC has been kept in view. Owing to the criminal nature of the petitioner and in order to prevent misuse of the arms licence and to keep peace in area, licence aforementioned has not been renewed. Order of District Magistrate upheld by the Commissioner, in my view, is perfectly legal and justified. Even if petitioner has been acquitted in seven cases but have been involved in 13 cases, the outcome of other six cases has not been disclosed or not pleaded. Be that as it may, such a criminal behaviour of the petitioner cannot be given a liverage to issue arms licence which he could not be used by taking any alibi or any other ground in any activity, though according to the averments made

in the writ petition, he is Sarpanch.

Order under challenge, in my view, cannot be said to be suffering from illegality or arbitrariness, bringing within the scope of judicial review.

No ground for interference is made out.

Accordingly, present writ petition is dismissed.

28.03.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No