

CWP No.24259 of 2014

[1]

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

**CWP No.24259 of 2014
Date of decision:25.07.2017**

Joshwa Chaudhary

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Ms. Deepali Puri, Addl. A.G., Punjab.

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 04.12.2013 passed by the Deputy Commissioner (Police), Jalandhar, exercising his powers under Section 17(3)(a)(b)(d) of the Arms Act, 1959 (hereinafter referred to as the "Act"), suspending the arm license of the petitioner bearing no.8191/DM/JAL on account of registration of FIR No.188 dated 02.12.1998, under Sections 427, 420, 323, 506, 336, 148 and 149 IPC at Police Station Division No.4, Jalandhar and directing the petitioner to deposit the arms possessed by him, namely, .12 bore DBBL Gun No.2621 C-1 Y-75 and .32 bore revolver no.FG-19970, against receipt, with an approved Arm License Dealer or in a nearby Police Station and to surrender the license copy, in original, to the Arms Licensing Branch and in the event of not following the directions, he was informed that the weapon with ammunition would be forfeited.

Learned counsel for the petitioner has submitted that the dispute

between the parties arising out of FIR No.188 dated 02.12.1998 (supra) has been compromised and the investigating agency has also submitted an un-traced report to the Illaqa Magistrate for approval but so far, no order has been passed on it.

After notice, the respondents have filed reply by way of affidavit of the Assistant Commissioner of Police (Central), Jalandhar, in which it is averred that the petitioner had been granted Arm License No.8191/DM/JAL, which was being renewed from time to time after every three years and was valid upto 20.08.2012. The petitioner submitted an application for renewal of his arm license, which was marked to the SHO, Policer Station Division No.2, Jalandhar and the Assistant Commissioner of Police (Central), Jalandhar had submitted a report that a case vide FIR No.188 dated 02.12.1998 (supra) has been registered against the petitioner and is pending adjudication. It is also submitted that though the investigation in the aforesaid FIR case has been done and an un-traced report has been sent to the Illaqa Magistrate on 18.02.2015 but until and unless the said report is accepted, the arm license of the petitioner cannot be renewed.

Counsel for the petitioner has submitted that the renewal of his arm license, thus, depends upon the acceptance of the un-traced report pending before the Illaqa Magistrate, which is not in his control as it has been sent by the prosecuting agency and has to be accepted or not accepted by the Court.

Thus, at this stage, he has prayed that appropriate direction may be issued to the prosecuting agency of FIR No.188 dated 02.12.1998 (supra) to pursue the un-traced report presented before the Illaqa Magistrate on 18.02.2015 so that the issue involved qua renewal of arm license of the

petitioner may be decided, one way or the other.

After hearing learned counsel for the parties, examining the available record and keeping in view the suggestion made by counsel for the petitioner, the present writ petition is hereby disposed of with a direction to the prosecuting agency of FIR No.188 dated 02.12.1998 (supra) to immediately pursue the matter regarding un-traced report, allegedly pending before the Illaqa Magistrate, having been filed on 18.02.2015, so that it may be decided one way or the other and the issue of renewal of arm license of the petitioner may be decided accordingly.

July 25, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No