

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

CWP No. 5525 of 2016

Date of decision :17.07.2017

Ram Saran Singh

....Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Achin Gupta, Advocate for the petitioner.

Ms. Gulnoor Ghuman, AAG Punjab.

RAJAN GUPTA J.

Petitioner has impugned orders, Annexures P-1 dated 21.12.2012 and P-3 dated 20.01.2016 passed by authorities below whereby Arms License granted to the petitioner has been cancelled. It has been urged before the court that petitioner is not involved in any criminal case at present. Thus, his Arms License has wrongly been cancelled by the authorities. Reply by way of affidavit of Rajiv Prashar, District Magistrate, Faridkot has been filed. It has been stated therein that according to Faridkot police report, petitioner was involved in number of cases as per details given in the affidavit. Another report was received from Superintendent of Police (Crime), Bathinda that case under section 366 & 341 IPC was registered against petitioner at police station City-1 Moga. His license was, thus cancelled.

I have considered the rival pleas. Petitioner filed appeal before Commissioner, Faridkot Division. However, same has been rejected by a detailed order. It has been stated in the order that petitioner was summoned

for personal hearing but he did not appear. FIR No. 5 dated 13.01.2011 was registered against petitioner under sections 302/34 IPC at police station Sadar Kot Kapura alleging that petitioner and co-accused Inderdeep Singh, after killing Iqbal Singh, grand father of Inderdeep Singh had burnt his body. Another FIR No. 18 dated 19.02.2011 was registered against him under sections 356/506/406 IPC at police station Kot Kapura. He was also involved in a case under sections 447/427/341/148/149 IPC at police station Faridkot. Three weapons i.e. a revolver, 12 bore gun and .315 rifle were entered in his Arms License. A case under section 366/341 IPC was registered against him at police station City Moga and in the said case his bail was rejected up to the Apex court. On due consideration of the matter, I feel that there is no infirmity with the order passed by Commissioner, Faridkot Division. Petitioner cannot be granted Arms License in view of the facts and circumstances enumerated in the order. The plea that no case survives against the petitioner cannot be a ground for grant of licence. The authority has to keep it in mind that life and liberty of other citizens is equally important as that of the person wanting to possess a weapon. In case general conduct is such that possibility of misuse of the weapon is there, competent authority would be entitled to reject his request. In the eventuality record of a person shows that he is easily provoked and has propensity to harm others, it would not be appropriate to grant him an Arms License as it may endanger life of other citizens, even his close family or friends. The competent authority has to take all facts into consideration while considering an application for Arms Licence. Merely because a person has been acquitted in the criminal cases pending against him or FIR has been cancelled would not weigh with the authority for providing him an Arms Licence. If at all such a plea is taken, same would be considered in

context of his general conduct, the tendency to get into quarrels or altercation coupled with his plea for protecting himself against any perceived threat. Authority would take a decision accordingly. Needless to observe that such guidelines cannot be exhaustive in nature. The authority would Act as per the law while considering such issue of this nature. In the instant case, competent authority has rightly cancelled the license of petitioner. Petition is without any merit and is hereby dismissed.

July 17, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No