

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

CWP No. 18184 of 2016

Date of Decision: 25.07.2018

SARABJIT SINGH

..... Petitioner

V/s.

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Bhavnik Mehta, Advocate
for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

RAKESH KUMAR JAIN, J. (Oral)

This petition is directed against the order dated 25.04.2016 passed by the Additional District Magistrate, Hoshiarpur vide which the arms licence of the petitioner has been suspended for an indefinite period.

Learned counsel for the petitioner, while referring to Section 17 (3) of the Arms Act, has submitted that the words used under the said Section are that “.....*for such period as it may thinks fit.*”

It is submitted that the power has not been given to the licencing authority to suspend the arms licence for an indefinite period and in this regard he has referred to a decision of the Allahabad High Court in the case of **Pramod Singh Vs. State of UP and another**; 2007 (3) All. LJ 643.

After notice, respondents have put in appearance and submitted that the impugned order may be set aside and the matter may be remanded back to the licencing authority to pass the order afresh in terms of Section 17 (3) of the Act.

In view of the aforesaid, present petition is hereby allowed, the impugned order is set aside and the matter is remanded back to the licencing

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authority, Hoshiarpur to decide the issue regarding suspension of the arms licence in accordance with the provisions of the Act much less Section 17 (3).

Parties are directed to appear before the licencing authority, Hoshiarpur on 24.08.2018

July 25, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :	✓ Yes / No
Whether Reportable :	Yes / No