

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

CWP-23306-2016 (O&M)
Date of decision : 11.12.2018

Dilbag Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.S. Jaswal, Advocate,
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

JITENDRA CHAUHAN, J.

The petitioner, *inter alia*, seeks issuance of a writ in the nature of Certiorari for quashing impugned order dated 07.02.2015 (Annexure P-9), passed by respondent No.2 and dated 31.05.2016 (Annexure P-12) passed by respondent No.1, whereby, the request of the petitioner for grant of Arms Licence was rejected.

It is contended that the petitioner is a retired Army personnel and a big landlord. On 25.09.1991, he was attacked upon and FIR No.521 dated 25.09.1991 under Section 307 IPC read with Section 34 IPC and Section 25 of Arms Act was registered at Police Station Sadar Amritsar. Again on 10.06.2008, FIR No.282 dated 10.06.2008 under Sections 323,

324, 326 IPC read with Section 34 IPC was registered on the complaint of

Navrattan Pal Singh, son of the petitioner. Due to apprehension to the life and liberty of the petitioner as well as his family members, the petitioner vide application No.67559/2008 dated 26.08.2008, applied for issuance of new Arms Licence. On 30.07.2009, SSP Amritsar (Rural) submitted police verification report to the District Magistrate, Amritsar and thereafter, DC Amritsar had ordered to issue licence to the petitioner but no action was taken thereon. Meanwhile, vide Notification dated 05.03.2010, Commissioner of Police, Amritsar has been empowered/authorized to deal with the arms licence. Consequently, the petitioner again moved application dated 13.03.2012 (Annexure P-4) to District Magistrate, Amritsar, for referring the original application dated 26.08.2008 to the Commissioner of Police, Amritsar City, on the basis of notification dated 05.03.2010. However, when no action was taken on the application of the petitioner, he approached this Court by way of CWP No.22714 of 2014, which was decided on 05.01.2015 (Annexure P-8) with a direction to the respondents that in case, the petitioner moved a fresh application within one week for grant of arms licence in the format prescribed, they shall consider the same in accordance with law within a period of twelve weeks. However, the application so moved by the petitioner was rejected vide impugned order dated 07.02.2015 (Annexure P-9). The appeal moved by the petitioner also stands rejected vide order dated 31.05.2016 (Annexure P-12). The grouse of the petitioner is that in spite of imminent danger to the life of the petitioner and his family members and in view of verification report issued by the concerned SSP, the petitioner ought to have been issued the arms

licence.

On the other hand, learned State counsel submits that the case of the petitioner is not covered by instructions dated 31.03.2010 (Annexure R-1), issued by the Ministry of Home Affairs, Government of India. It is further submitted that SHO, P.S. 'A' Division, Amritsar after conducting verification, submitted his report through then Assistant Commissioner of Policy, East, Amritsar City, not recommending the case of the petitioner for grant of Arms Licence. The petitioner is not having any grave or imminent threat to his life and property as he could not disclose any specific reason or evidence in support of his case. She further states that the claim of the petitioner that he is author of FIR No.521 (ibid) is also against the record.

Heard.

It is to be noticed that the petitioner has cited two instances to make out a case that he is facing grave and imminent threat to his life and property. One FIR stated to have been lodged by the petitioner in the year 1991 has been found to be authored by one Rajender Singh. Similarly, the second FIR has been got registered by the petitioner's son in the year 2008. There is no mention of any untoward incident since 2008.

The grant of arms licence is governed by notification dated 31.03.2010 (Annexure R-1), issued by the Ministry of Home Affairs and adopted by the State of Punjab vide notification dated 14.04.2010. The case of the petitioner was considered by the competent authority in the light of the aforesaid instructions and was rejected on the ground that there is no grave and imminent threat to the petitioner's life.

In view of the above, this Court does not find any ground to interfere in the impugned orders, which are hereby, affirmed.

The writ petition is, accordingly, dismissed.

11.12.2018
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(JITENDRA CHAUHAN)
JUDGE

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