

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

CWP No.8499 of 2017 (O&M)

Date of decision: 16.08.2018

Jagminder Singh and another

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner(s).

Mr. Sanjay Kumar Saini, AAG, Haryana.

Jitendra Chauhan, J. (Oral)

Through the present petition, the petitioners seek quashing of impugned order dated 10.04.2017 (Annexure P-6) passed by respondent No.2 whereby permission to sell revolver .32 bore No.D3094 by petitioner No.1 to petitioner No.2 has not been granted.

Perused.

Learned State counsel submits that arms licence issued to petitioner No.2 which was valid for maximum period of three years had expired on 19.12.2016 and as of now, the same is no longer valid in terms of Rule 18 of Arms Rules, 2016 which is reproduced as under:-

“18. Permission for possession of arms to be acquired subsequent to grant of licence.—

When a licence is granted in Form II, Form III, Form IV or Form V for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same, direct that the arms covered by the licence shall be acquired within a period of two

years and that the licence or the arms or both shall be produced for his inspection and if within the said period of two years, the licensee fails to acquire the arms and to produce the licence, or the arms or both, as the case may be, the licence shall cease to be in force:

Provided that the licensing authority may extend the period of two years by a further period of one year, on the basis of a written representation received from the licensee and after recording the reasons for granting such an extension:

Provided further that if during the period of two years or the extended period of one year, as the case may be the licensee wishes to acquire and possess any arm or arms of a different description and the licensing authority has no objection to allow the acquisition and possession of such arm or arms, he may amend the licence accordingly”

As the petitioner No.2 did not purchase the revolver during the validity of licence issued to him, he is not entitled to the relief as prayed for. As on today, petitioner No.2 does not have any valid licence to purchase the revolver from petitioner No.1. However, learned State counsel submits that petitioner No.2 is entitled to re-apply for the issuance of licence which shall be examined as per rules, if all the particulars are found to be genuine and thereafter, an appropriate decision will be taken.

Considering the fact that the permission had already been granted to petitioner No.1 to sell his revolver; in case petitioner No.2 submits an application for re-issuance of license, the competent authority shall consider and decide the same as per law expeditiously.

Disposed of.

16.08.2018

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(JITENDRA CHAUHAN)
JUDGE

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