

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

LPA-254-2019(O&M)
Date of decision: 04.02.2019

Dilbag Singh

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Balbir Singh Jaswal, Advocate, for the appellant.

KRISHNA MURARI, C.J. (Oral)

CM-555-LPA-2019

For the reasons set out in the application, delay of 10 days in
filing the appeal is condoned.

CM stands disposed of.

LPA-254-2019(O&M)

This intra-court appeal under Clause X of the Letters Patent is
directed against the judgment and order dated 11.12.2018 passed by the
learned Single Judge dismissing the writ petition filed by the appellant
challenging order dated 07.02.2015 (Annexure P9) passed by the
Commissioner of Police, Amritsar (respondent No.2), rejecting application
for grant of Arms Licence, as also the order 31.05.2016 (Annexure P12)
passed by the appellate authority rejecting his appeal.

Facts relevant for the purpose of the case required to be noticed are as under.

Appellant-petitioner claiming to be a retired Army personnel and a big landlord made an application dated 26.08.2008 for grant of an Arms licence on the ground of threat perception to his life and in support thereof a reference was made to an FIR dated 25.09.1991 said to have been filed by him under Section 307 IPC read with Section 34 IPC and Section 25 of the Arms Act, which was registered at Police Station Sadar Amritsar. Reference was also made to another FIR dated 10.06.2008 under Section 323, 324, 326 IPC read with Section 34 IPC, which was registered by son of the appellant-petitioner.

As per procedure prescribed, a report was called for from the Police authorities. SHO, P.S. 'A' Division, Amritsar, after conducting verification, submitted a report through the then Assistant Commissioner of Police, East, Amritsar City, not recommending the case of the petitioner for grant of Arms licence since there was no grave or imminent threat to his life and property as he failed to disclose any specific reason/evidence in support of his case. Learned Single Judge referring to the said verification report as also the instructions dated 31.03.2010, dismissed the writ petition on the ground that since the case of the appellant-petitioner was not covered by the aforesaid instructions issued by the Ministry of Home Affairs and adopted by the State of Punjab, hence, there was no infirmity in the decision of the authorities in rejecting the application for grant of Arms licence.

Learned counsel for the appellant vehemently contends that there was a threat perception since an FIR was got registered under Section 307 IPC read with Section 34 IPC and Section 25 of the Arms Act in the

year 1991 and another FIR in the year 2008 by the son of the appellant-petitioner.

There is a dispute with respect to the 1991 FIR, whether it was lodged by the appellant-petitioner or one Rajinder Singh. But without entering into the said question, since there is no material available on record to indicate any threat perception to the life and property except for two F.I.R lodged back as long back as 1991 & 2008, we find no good ground in existence to interfere with either in the impugned order passed by the learned Single Judge or the decision taken by the authorities in refusing to issue Arms licence to the appellant-petitioner.

The appeal is devoid of merits and accordingly stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

04.02.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO