

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

CWP No. 21384 of 2016.

Date of Decision: 22.04.2019.

Malkiat Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : None for the petitioner.

Mr. Vikas Mohan Gupta, Addl. AG Punjab.

JITENDRA CHAUHAN.J.

By way of present civil writ petition, the petitioner has challenged the order dated 30.09.2015 (Annexure P-4) vide which the arms licence issued to the petitioner was cancelled and order dated 27.07.2016 (Annexure P-6) vide which the appeal filed by the petitioner was dismissed.

There is no representation on behalf of the petitioner.

However, this Court has gone through the entire case file.

It has been pleaded in the petition that the District Magistrate has exceeded his jurisdiction while directing the petitioner to sell his .32 bore pistol within a period of 30 days, failing which the same shall be confiscated. It has been further pleaded that it was the exclusive domain of the convicting Court to order confiscation of the arms however, no such order of confiscation was passed by the learned Court of competent jurisdiction.

On the other hand, on behalf of the respondents, it is contended that as per the reports collected, there is no danger to the life of the petitioner from any person especially the so called opposite party who had lodged FIR against him. However, there is every apprehension that the petitioner may disrupt the peace and harmony amongst the society as revealed from the past record of the petitioner. The petitioner was convicted

in FIR No.250 dated 22.08.2001 registered under Sections 307 and 506 IPC and Sections 25 & 27 of Arms Act at police Station Sadar, Jalandhar. It is further contended that in exercise of the power conferred by Section 17(3) of the Arms, the licence has been rightly cancelled by the authorities.

Heard.

The relevant part of Section 17(3) of the Act is reproduced as under:-

“The Licensing Authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence:-

(b) If the licensing authority deems it necessary for the security of public or public safety to suspend or revoke the licence.”

In view of the fact that there is apprehension that the petitioner may disrupt the peace and harmony amongst the society and the State authorities on reaching at such a satisfaction have cancelled the arms licence of the petitioner, no ground for interference is made out.

Dismissed.

22.04.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No