

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

CWP-17786-2018 (O&M)
Date of decision : 17.09.2019

Baljinder Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Manjit Singh Uppal, Advocate
and Mr. Surinder Singh, Advocate,
for the petitioner.

Ms. Anju Arora, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J.

The petitioner, *inter alia*, seeks quashing of impugned order dated 31.03.2015 (Annexure P-1), passed by learned Additional District Magistrate, Mansa, whereby, the application of the petitioner for renewal of arms licence had been declined; order dated 27.07.2016 (Annexure P-3), passed by learned Commissioner, Faridkot Division, Faridkot, whereby, the statutory appeal was dismissed; and order dated 14.09.2016 (Anexure P-5), passed by learned Commissioner, whereby, the review petition was also dismissed.

It is contended that the petitioner was issued Arms Licence for .12 bore double barrel gun and .32 bore pistol. On an application moved by the petitioner for renewal of the said licence, the District Magistrate, Mansa

called for a report from the Senior Superintendent of Police, Mansa, who vide letter dated 23.03.2015, reported that the petitioner was involved in four FIRs and in three of these FIRs, he stood acquitted of the charges. One FIR stands quashed by this Court. Therefore, he did not recommend renewal of the arms licence of the petitioner.

Learned counsel submits that the impugned orders have been passed without considering the facts that the petitioner was acquitted in all the FIRs registered against him and there is no allegation against the petitioner that he has ever misused his firearms. He further refers to Section 17(7) of the Arms Act which provides that if the conviction is set aside on appeal or otherwise, the suspension or revocation shall become void. Moreover, there is no material on record to show that the petitioner is in the habit of moving around with the licensed weapons thereby causing threat to the general public. Still further, no reasoning has been assigned as to how the renewal of licence of the petitioner would be detrimental to the public peace and tranquility. Cites ***Krishan Chand Vs. State of Punjab, 2003(1) R.C.R. (Criminal), 166; Sukhpal Singh Vs. State of Punjab & Ors., 2016(2) PLR 629; and Mangal Singh Vs. The Additional Commissioner, Ferozepur Division, 2003(4) R.C.R. (Criminal) 422.***

On the other hand, learned State counsel submits that there is a specific report from the concerned SSP that it will not be in the interest of public safety to renew the licence of the petitioner.

Heard.

Upon an application having been moved by the petitioner for

renewal of arms licence issued to him, learned District Magistrate sought a report from SSP, Mansa, who vide his report dated 23.03.2015, reported that the petitioner is involved in as many as four FIRs, although, he had earned acquittal in three FIRs and one was quashed by this Court. However, the SSP in his report has specifically stated that though there is no threat to the peace and tranquility, but it will not be in the public interest. On the strength of such a report, the application for renewal of arms licence has been rejected. Public interest is the underlying factor which determines every action of the State machinery. If a senior or responsible officer of the State has noticed in his report that renewal of arms may not be in the public interest, his opinion has to be respected, particularly, in view of the antecedents of the petitioner. Therefore, this Court does not find any illegality or perversity in the orders passed by the learned authorities below.

The case law cited by learned counsel is distinguishable on facts.

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.

17.09.2019
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No