

Sr. No. 205

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

**CWP No.24780 of 2014 (O&M)
Date of Decision: 20.02.2019**

Rajinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Amandeep Singh, Advocate for
Mr. R.S.Pandher, Advocate,
for the petitioner.

Ms. Ambika Sood, DAG, Punjab.

ARUN MONGA, J.(ORAL)

Present writ petition has been filed, *inter alia*, for issuance of a writ specially in the nature of certiorari to quash the order dated 20.05.2014 passed by the Commissioner, Patiala Division (Annexure P-1) upholding the order dated 26.09.2013 passed by the District Magistrate, Fatehgarh Sahib (Annexure P-2). The District Magistrate vide his order under challenge has cancelled the arms licence of the petitioner which had been granted for .12 bore double barrel gun.

2. Learned counsel for the petitioner states that out of 7 FIRs, petitioner has been acquitted in 2 cases and one FIR bearing No.41 dated 04.05.2017 has been quashed by this Court vide order dated 04.03.2008 (Annexure P-7). In FIR No.94, dated 03.09.2017, he has been released on probation by the Court of Judicial

Magistrate Ist Class, Fatehgarh Sahib and in FIR No.47 dated 23.04.2002, registered under Section 61 of the Punjab Excise Act, he has been released on probation while in FIR No.10, dated 05.02.2011 and FIR No.26 dated 09.02.2011 proceedings are still going on. He, however, questions the genuineness of registration of such large number of FIRs on the ground that same had been registered against him due to political vendetta by the then Government at the relevant time.

3. In the reply/counter affidavit filed by the Deputy Commissioner/District Magistrate, Fatehgarh Sahib on behalf of the respondents, it has been stated that the renewal of arms licence in favour of the petitioner cannot be done in view of Government of India Instructions dated 31.03.2010 issued by Ministry of Home Affairs (Annexure R-I). Vide report dated 17.06.2013 submitted by Senior Superintendent of Police recommendation has been made not to renew the arms licence of the petitioner.

4. The Senior Superintendent of Police, Fatehgarh Sahib submitted in his report that the cases/FIR No.155 dated 31.12.1995, under Sections 227/337/38 IPC, Police Station Bhadson, (acquitted), FIR No.46 dated 10.06.2002, under Sections 353/186 IPC, Police Station Mulepur (acquitted), FIR No.47 dated 23.04.2002, under Sections 61-1-14, Excise Act, Police Station Bassi Pathana (Punished), FIR No.94 dated 08.09.2007, under Sections 448/294/341/323/506 IPC, Police Station Mulepur (Punished), FIR No.26 dated 09.02.2011, under Sections 420/482 IPC, Police Station

Fatehgarh Sahib (under trial), FIR No.41 dated 04.05.2007, under Sections 420/465/467/471 IPC (quashed) and FIR No.10 dated 05.02.2011, under Sections 160/148/149/27-54-59 of Arms Act, Police Station Mulepur (under trial) have been found registered against the petitioner Rajinder Singh, out of which in two cases, the petitioner has been punished, One FIR No.41 dated 04.05.2007 has been quashed, in two cases, the petitioner has been acquitted and two cases are under prosecution.

5. Learned State counsel submits that the petitioner was issued a show-cause-notice prior to acceptance of the report of the Senior Superintendent of Police for cancellation of the licence granted to him. Pursuant thereto, an opportunity of personal hearing was also granted to the petitioner wherein he was unable to give any reasonable justification for grant/renewal of the arms licence in his favour. After due inquiry and following the appropriate procedure, it was found that there was no danger to the life and liberty of the petitioner.

6. Learned State counsel also has drawn my attention to the Circular dated 31.03.2010 wherein parameters for grant of arms licence have been laid out. She contends that clause ii (a) of the said Circular in particular dis-entitles the petitioner to seek renewal/grant of arms licence in his favour. Therefore, the cancellation of arms licence has been rightly done by the respondents.

7. After hearing rival contentions of both the sides, I am not inclined to accept the contentions of the learned counsel for

the petitioner that the registration of FIRs is owing to political vendetta. The renewal/cancellation of arms licence has to be on the subjective satisfaction of the licensing authority based on the inputs given by the police reports. Suffice to say, that this Court would not substitute its discretion over the one exercised by the competent authority. More so, in view of the contents of para 1 and 2 of the preliminary objections of the counter affidavit read with Circular dated 31.03.2010, *ibid*, I do not find any ground to interfere.

8. Writ petition is, accordingly, dismissed.

(ARUN MONGA)
JUDGE

20.02.2019

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No