

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CWP No.24685 of 2016 (O&M)****Date of Decision: 15.10.2019**

Jagroop Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. P.P.S. Duggal, Advocate, for the petitioner.

Ms. Simran Grewal, AAG, Punjab.

RAJIV NARAIN RAINA, J. (Oral)

1. The only reason to withhold the gun license of the petitioner is that after gun licenses were checked by the Central Bureau of Investigation (CBI) in the relevant territory, it was found during inquiry that some of the licensees did not reside at the addresses given by them and, therefore, the licenses were cancelled by the District Magistrate, Ferozepur, vide order dated 30.09.2002. The arms license No.1102/March/99/Ferozepur issued to the petitioner was also cancelled by the District Magistrate, Ferozepur. The case of fake licenses had led to proceedings before the Special Judge, CBI Court, Punjab, Patiala.

2. However, during the pendency of the proceedings, the Commissioner, Ferozepur Division, Ferozepur, by the impugned order dated 18.03.2016 held that it would not be appropriate to decide the case of the petitioner while agreeing with the view of the District Magistrate, Ferozepur, adjourning the case *sine die* to await the decision of the Special Judge, CBI

Court. After the Special Court at Patiala was wound up, the case has been transferred to the relocated Special Court set up at Mohali in July, 2017.

3. It is the categorical assertion of the petitioner that his name does not figure in the CBI case and he is not an accused in the Court of Special Judge, CBI Court and neither had he given false address in the arms license. The petitioner continues to be resident of his native village Doola Singh Wala, Tehsil Zira, District Ferozepur, where he still resides which was the address recorded in the arms license. This fact can be easily verified by the authorities to find out the truth.

4. During the CBI inquiry, the case appears to have been marked to the SSP, Ferozepur, who deputed police officials to verify the address of the petitioner and others. It is the petitioner's case that the police party visited the address without making inquiries from any respectable person of the village and without informing him or asking for an explanation. He had furnished sufficient proof by way of documents of his address at the time of issuance of arms license and could supply them again, if required. Thus, the reliance on the police report to cancel the license is misconceived and palpably erroneous. Even today, his address can be verified by an on the spot verification in the presence of the villagers, his family and the Panchayat.

5. The Commissioner, Ferozepur Division, Ferozepur, had two opportunities available to him to get the address re-verified. Once, when he remanded the case to the District Magistrate, Ferozepur, to pass a fresh order vide his order dated 19.04.2012 and thereafter again when he passed the impugned order on 18.03.2016 agreeing with his subordinate to adjourn the case sine die. If this simple formality had been conducted and completed, this petition may not have been filed to receive orders from this Court. The fact remains that

learned Law Officer has had to admit that the name of the petitioner does not figure in the proceedings before the Special Judge, CBI Court either as an accused or in connection with his arms license.

6. The petitioner asserts that he has not been challaned by the CBI and if there is any document showing his address as incorrect on the record of the CBI Court, even the CBI Court can order such an inquiry from the village of the petitioner. All that is required to be done is to match the address in the arms license granted to the petitioner in March, 1999, with the permanent address of the petitioner, which exercise must have been done initially after verification by the police at the time of grant of arms license and the addresses at different stages of the litigation and the current address. No legal issue is involved in this case for determination except on the factual aspect of residential address which can easily be resolved by a fair and impartial inquiry by the police.

7. The State has at its command Civil/Revenue Administration, Chowkidars and Patwaris as well as co-villagers etc., who are available to stand testimony to the address of the petitioner. When no such steps have been taken by the State and its officers, then an inference can be drawn that the residential address of the petitioner is the same as one in the original arms license (Annex P-4). There are contemporaneous documents also to show the correct address of the petitioner being the Identity Card issued by the Election Commission of India (Annex P-4) and Ration Card issued by the Food & Civil Supplies Department, Punjab (Annex P-5), which on perusal also confirm the address as the one asserted by the petitioner not only of himself, but his entire family. Therefore, adjourning the case sine die by the District Magistrate and the Commissioner, Ferozepur Division, Ferozepur and tying it up with the CBI case pending in the Special Court at Mohali with which the petitioner has nothing to

do was not proper exercise of jurisdiction. The primary and secondary authority in the decision-making process failed to conclude the case by ordering an enquiry into the address and getting facts verified by the CBI from the court file which would have resolved the dispute.

8. In view of the above facts and circumstances, the impugned order/s of the District Magistrate and the Commissioner, Ferozepur Division, Ferozepur are not legally sustainable and are, therefore, quashed and a direction is issued to the Licensing Authority -cum- District Magistrate, Ferozepur to conduct, within three weeks, an inquiry into the address of the petitioner and if it is found to be correct at all the stages, then to issue him re-renewed arms license and release his weapon from the police malkhana after completing the necessary formalities.

9. Petition stands allowed in the above terms.

15.10.2019

Mangal/Vimal

**[RAJIV NARAIN RAINA]
JUDGE**

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