

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

CWP-26924-2018

Date of decision: 6.5.2019

Bachittar Singh Saggi through his attorney Harneek Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Vinay Puri, Advocate for the petitioner

Mr.Vikas Mohan Gupta, Addl.AG, Punjab

JITENDRA CHAUHAN, J.

The present writ petition under Articles 226/227 of the Constitution of India has been filed for quashing the order dated 22.3.2016 (Annexure P-3) passed by learned District Magistrate, SBS Nagar vide which the application moved by the petitioner for renewal of the arms licence no.326/96/819/ revolver/ DM Jalandhar/ 85 ID No.1169 in respect of .32 bore revolver No.88900 w.e.f. 22.1.2016 was rejected and the order dated 10.8.2018 (Annexure P-5) passed by Commissioner, Rup Nagar Division, Rup Nagar confirming the order of District Magistrate.

The petitioner is a person of Indian origin and now holds an Overseas Card and presently has been residing in United Kingdom and have been visiting India in a span of 4 to 6 months in a year to look after house and agricultural land in village Lasara, Tehsil Phillaur, District Jalandhar owned by him. The petitioner held an arms licence, since 1984 which was

valid upto 22.1.2016, the renewal of which was declined in view of the report submitted by Senior Superintendent of Police, Nawanshahr and letter dated 31.3.2010 issued by Ministry of Home, India, District Magistrate, Nawanshahr declined to renew the licence and cancelled the same vide order dated 22.3.2016 (Annexure P-3).

On the other hand, learned counsel for respondent-State submits that the petitioner is residing in United Kingdom and is no more the resident of India. After taking into consideration the report sought from Superintendent of Police, SBS Nagar, and the provisions of the Arms Act, 1959, learned District Magistrate, SBS Nagar has rightly rejected the application of the petitioner for renewal of the arms licence, which was affirmed by the Commissioner, Rup Nagar.

Heard.

Admittedly, the petitioner was issued Arms licence in the year 1984. During the interregnum period, the petitioner shifted out of country and now he is a citizen of United Kingdom.

Section 13(3)(a)(i) of the Arms Act, 1959 reads as under:

“(3) the licencing authority shall grant-

(b) A licence under Section 3 where the licence is required-

(i) by a citizen of India in respect of a smooth bore gun having a barrel of not less than twenty inches in length to be used for protection or sport or in respect of a muzzle loading gun to be used for bona fide crop protection.”

The petitioner is residing in England and is a British passport holder/ citizen. As per the government instructions, report was obtained from Senior Superintendent of Police, SBS Nagar. In the report dated 2.1.2016, it has been clearly mentioned that the applicant is permanent resident of England and he does not require any arms/ weapon. Therefore, he has made recommendation for cancellation of the arms licence.

In view of the above, there is no illegality or perversity in the order dated 22.3.2016 (Annexure P-3) passed by the learned District Magistrate and order dated 10.8.2018 (Annexure P-5), passed by the Commissioner Roopnagar Division, Roopnagar. As such, the present writ petition being bereft of any merit is dismissed.

6.5.2019
gsv

[JITENDRA CHAUHAN]
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No