

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-32055-2019

Date of Decision:-05.11.2019.

Harwinder Singh alias Binda

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

SANJAY KUMAR, J. (Oral)

Challenge in this writ petition is to the order dated 22.08.2019 (Annexure P-9) passed by the Additional District Magistrate, Jalandhar, the fourth respondent, cancelling the petitioner's arms licence.

Though the aforesaid order is appealable, this Court is of the opinion that it would not be necessary to relegate the petitioner to the alternative appellate remedy provided to him under the statute in the light of the peculiar facts of this case.

Perusal of the impugned order reflects that the petitioner was issued a show cause notice but he failed to respond within the stipulated period leading to the fourth respondent dealing with the issue and culminating in the impugned cancellation order.

However, Shri Amit Dhawan, learned counsel for the

petitioner, would point out that the petitioner was in prison at the relevant point of time as he was arrested in connection with FIR No.108 dated 08.06.2019 on the file of Police Station, Goraya, and was granted regular bail only on 30.08.2019, vide CRM-M-34866-2019 on the file of this Court.

It is therefore demonstrable that the petitioner could not have responded to the show cause notice issued to him by the fourth respondent prior to the cancellation of his arms licence as he was in judicial custody in relation to the aforestated criminal case.

As violation of the principles of natural justice and more particularly, the rule of *audi alteram partem*, is clear and manifest, this Court deems it appropriate to set aside the impugned order dated 22.08.2019 (Annexure P-9) on that short ground without going into the merits of the matter. The issue shall be dealt with afresh by the fourth respondent after putting the petitioner on notice and affording him a reasonable opportunity of hearing.

The writ petition is allowed to the extent indicated above.

No order as to costs.

(SANJAY KUMAR)
JUDGE

November 05, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.