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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17949-1995 (O&M)
DATE OF DECISION: 27.02.2020

SIMRANJIT SINGH MANN

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. Aayush Sarla, AAG, Punjab.

Ritu Bahri, J. (Oral)

Petitioner is seeking directions to respondents to grant him license for .303 bore rifle or in alternative with arm with license.

Notice of motion was issued on 08.12.1995. On notice reply has been filed on behalf of the respondent-State in which it has been mentioned that the petitioner is already in possession of two arms licenses covering one carbine and one .12 bore DBBL gun for his security. His request for grant of a license for .303 bore rifle was declined by the Government of India, Ministry of Home Affairs on the ground that his request was not covered under the existing policy. As per separate reply filed by respondent No.2 in paragraph 6, it has been mentioned that the powers to issue licence for possession of 'non-prohibited bore firearms' have been delegated to the State Government and the Authorities subordinate to them as already stated in the preceding para, the power to issue licence for 'prohibited bore firearms' now vests with the Central Government since August, 1987, prior to which even licences for 'prohibited bore firearms' could also be issued by the State Government. The idea behind

withdrawing the powers from the State Government was to prevent proliferation of 'prohibited bore firearms' which are normally used by the law enforcement machinery and the Defence Forces and are considered more lethal as compared to 'non-prohibited bore firearms'. As a matter of policy, licences for 'prohibited bore firearms' are not granted to the general public including Police and Defence Personnel in their civil capacity except in cases which are covered under the definite policy guidelines of the Government.

The application of the petitioner was forwarded by Government of Punjab in May, 1993 with recommendation by the District Magistrate and local police authorities. The petitioner has given his affidavit dated 18.12.1992 (Annexure R-2) stating that he had licences for two firearms i.e. one .30 Carbine and one .12 bore DBBL gun. After considering the case, it was held that he is already having two armed license being highly sophisticated and lethal firearm and the request for fresh licence for .303 'prohibited Bore Rifle was rejected and the State Government was informed vide letter dated 25.11.1993. This order was passed way back in the year 1993 and much water has goes since then. At this stage, there is no case made out to entertain the petition.

Keeping in view the licence has already been granted as stated in reply of respondent No. 1, the writ petition is dismissed.

27th February, 2020

shabha

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No