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

CWP-1599-2020

Date of decision: 23.03.2022

MANJIT SINGH

...Petitioner

Versus

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mansur Ali, Advocate and
Mr. H. S. Deol, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking quashing of impugned order dated 04.12.2019/31.12.2019 Annexure P-3, whereby application of the petitioner for renewal of his arms licence has not been recommended taking into account FIR No.141 dated 03.04.2016, registered under Sections 120-B, 406, 420, 467, 468 and 471 of the IPC at Police Station Pehowa, District Kurukshetra as well as FIR No.1697 dated 21.11.2015, registered under Sections 135 and 138 of the Punjab Excise Act, at Police Station Ambala City.

Learned counsel for the petitioner herein assails the said order by contending that the application for renewal though notices the fact that

the petitioner has been acquitted under FIR No.141 and a cancellation report had already been preferred in the FIR under the Punjab Excise Act, yet the authority concerned has not recommended the renewal of the licence which would defy logic. It is argued that as on date, there is no matter pending against the petitioner under the Arms Act as has already been noticed and, therefore, the decision not to renew the licence would not be sustainable. It is further argued that there is catena of judgments available to the effect that pendency of an FIR would not be a reason enough to deny renewal of a licence and it is for the criminal Courts to look into the issue whether the licence is to be suspended or not. It is further argued that in fact, after the filing of the instant petition, a show cause notice has also been issued to him.

Learned State counsel would submit that the writ petition is premature as only a show cause notice has been issued to the petitioner and the petitioner herein has failed to put in an appearance to file a reply to the said show cause notice and in case a reply is filed, the same would be looked into and considered in accordance with law. He relies upon the written statement filed on behalf of respondent Nos.1 to 3 dated 14.05.2020.

I have heard learned counsel for the parties and deem it appropriate to dispose of the present writ petition by directing the petitioner herein to take all the pleas available to him and file his reply to the show cause notice within a period of two weeks from the date of receipt of certified copy of this order and on receipt of the said reply, the authorities concerned are directed to take a decision on whether or not the licence of the petitioner is to be suspended or renewed keeping in view the fact that as on date, there is no matter pending against him, which facts stand noticed by the Sub-Divisional Magistrate, Pehowa himself. The decision taken would be

communicated to the petitioner within a period of six days of passing the order.

The present petition stands disposed of with the aforesaid observations.

23.03.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No