

103.

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

CWP-9550-2022

Date of Decision: 07.05.2022

JASMER SINGH

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rakshit Gupta Advocate,
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

The petitioner herein had applied for grant of arms licence in terms of Section 3 of the Arms Act, 1959 to hold a .12 bore double barrel gun which licence was duly issued in the month of August, 1987. The arms licence was renewed every 3 years and thereafter, the licence was converted from .12 bore double barrel gun to .32 bore revolver on 01.05.2002. In the year 2016, the petitioner came to be nominated as an accused in FIR No.262, dated 11.06.2016 which was registered against 10 persons including the petitioner under Sections 148, 149, 307, 323, 506 IPC read with Section 27 of the Arms Act and Section 3 of the SC & ST (Prevention of Atrocities) Act at Police Station Pehowa. The petitioner was eventually acquitted by the trial Court on 27.07.2017. On acquittal, the petitioner applied for renewal of

licence as per the procedure and it was specifically stated that the petitioner had been acquitted under the said FIR and the weapon in question was never used. The SHO by communication dated 22.12.2020 did not recommend the renewal of the licence. However, the SDM, Pehowa, on receipt of the report, asked for a clear report to be given regarding renewal of the licence considering the fact that the petitioner stood acquitted by the court on 27.07.2017 and his arms licence had been renewed upto 25.08.2018, almost a year thereafter. A fresh report has been prepared by the police station on similar lines. However, no further proceedings have been commenced upon his application seeking renewal.

Counsel appearing on behalf of the petitioner would submit that the petitioner would be satisfied in case his application is decided expeditiously preferably within a period of 2 months, considering that he had applied for renewal of his arms licence as far back as on 08.08.2018.

Notice of motion.

At this stage, Ms. Kirti Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State. Copy of the paper book has been handed over to the State counsel in Court itself.

In view of the limited prayer made by counsel for the petitioner, the present petition is disposed of with a direction to the respondents to decide the application of the petitioner filed on 08.08.2018 seeking renewal of his arms licence, within a period of two months, on receipt of certified copy of this order, in accordance with law and convey the decision to the

petitioner. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

07.05.2022

sanjeev

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No