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

**CWP No.14626 of 2022
Date of Decision: 29.08.2022**

RAJINDER SINGH

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Manvender Singh Dalal, Advocate
for the petitioner.

Mr. Sumit Gupta, Addl. A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has preferred this writ petition for the issuance of an appropriate writ especially in the nature of certiorari quashing the impugned order dated 06.01.2022 passed by the District Magistrate, Kaithal and order dated 31.03.2022 passed by the Divisional Commissioner, Karnal Division, Karnal whereby the arms licence of the petitioner was cancelled and appeal to that effect was also dismissed.

Petitioner was granted an arms licence in the month of August, 2014 as per provisions of the Arms Act, 1959 and the same was valid upto 12.08.2020. On the application for renewal of the aforesaid arms licence, a police report was sought from

the Superintendent of Police, Kaithal.

As per police report, FIR No.96 dated 17.05.2018 under Sections 307, 323, 506 IPC was registered against the petitioner in Police Station Sadar, Kaithal and on the basis of the aforesaid FIR, the police did not recommend the renewal of licence of the petitioner.

On the basis of aforesaid police report, the District Magistrate, Kaithal issued a show cause notice to the petitioner on 07.10.2020 asking the petitioner as to why his arms licence be not cancelled under Section 17(3)(b) of the Arms Act.

The petitioner filed his reply to the show cause notice, submitting therein that the police had already submitted a challan in which offence under Section 307 IPC was deleted. The weapon was never used in the occurrence. Despite the aforesaid fact, the District Magistrate proceeded to cancel the arms licence of the petitioner vide order dated 06.01.2022. The petitioner unsuccessfully assailed the order dated 06.01.2022 in the appeal before the Divisional Commissioner, Karnal Division, Karnal which was dismissed vide order dated 31.03.2022. That is how the present petition came to be filed.

Learned counsel for the petitioner submits that mere registration of FIR is not a ground for cancellation of arms licence under the provisions of the Arms Act and Rules framed thereunder. Learned counsel refers to **Balwinder Singh vs.**

State of Punjab and others, 2019(4) R.C.R. (Criminal) 960
and **Sadhu Singh vs. State of Punjab and others, 2018(4)**
R.C.R. (Criminal) 567.

Learned counsel for the petitioner further submits that there was no material available before the authorities to come to the conclusion that the cancellation of arms licence was required for security of “public peace” or for the “public safety”. It is a settled principle of law which has been discussed in **CWP No.5724 of 2021** titled '**Brijesh Kumar vs. State of Haryana and others**' decided on 03.08.2021 that the FIR is not having any legal significance for any purpose except for investigation of the crime involved in the FIR. No adverse order can be passed against a person against whom FIR is registered unless specifically required by any law or by a criminal court. Mere registration of FIR by its nature is only a first information regarding the alleged crime and the same has to be treated only as first information of the crime which would not carry with it any such character of a statutory factor which can influence the individual right of the petitioner to hold a weapon. Bare perusal of provisions of Section 17(7) of the Arms Act can be appreciated in this context. Even the criminal Court has been given power to suspend or revoke the licence of a person in case of conviction. Before conviction, even for the offence of

the Arms Act, the Court cannot order suspension or revocation of licence. There is a further rider to the effect that if conviction is set aside in appeal, then the order of suspension or revocation of the licence shall become void. Normal consequences are required to follow thereafter. The concealment if any, in respect of non-disclosure of FIR in my considered opinion would not weigh in favour of cancellation of Arms licence.

For the reasons elaborately discussed in **Brijesh Kumar vs. State of Haryana and others'** case (supra), I deem it appropriate to set aside the impugned order dated 06.01.2022 passed by the District Magistrate, Kaithal and order dated 31.03.2022 passed by the Divisional Commissioner, Karnal Division, Karnal. Legal consequences to follow for restoration of Arms licence.

Petition stands disposed of.

August 29, 2022

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No