

201.

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

CWP-25979-2021

Date of Decision: 22.04.2022

DHARAM SINGH

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Pratibha Yadav, Advocate, for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

The petitioner has approached this Court under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing the impugned order dated 29.09.2021 (Annexure P-10) as passed by the Joint Commissioner of Police, Gurugram, declining to renew his arms licence.

In brief, the facts are that the petitioner, being an Ex-serviceman from the Indian Army, had purchased a revolver for self-defence and was issued licence which was being renewed from time to time. An FIR was registered on 22.04.2014 against the petitioner, who was in civil litigation with his brother. As the FIR has been registered, the application for renewal of the licence of the petitioner was rejected.

Learned counsel appearing on behalf of the petitioner herein would contend that the impugned order has been passed failing to take into account that the said firearm was never used in the offence complained of under the FIR. It is argued that there is no independent application of mind

by the authorities concerned while rejecting the application for renewal of licence, as rejection has been based solely on the opinion given by the Deputy District Attorney, Gurugram. It is argued that if the authorities below had read the contents of the FIR, they would have been apprised of the fact that the said revolver had not been used, giving a cause for rejection of the application. Learned counsel would also rely upon a judgment of this Court in *Brijesh Kumar Versus State of Haryana and others, 2021(4) R.C.R. (Civil) 47* wherein it has been held that mere registration of an FIR itself would not constitute a ground for rejection of an application filed for renewal.

I have heard learned counsel for the petitioner and have perused the impugned order. It appears that respondent No.4 has not applied his mind judiciously as to whether non-renewal of the licence would be any threat to the public or its safety. The order shows total non-application of mind when decision not to renew the licence of the petitioner is based on an opinion given by the Deputy District Attorney, Gurugram without taking into account that said firearm was never used. Consequently while taking note of the ratio as set out in *Brijesh Kumar's case* (supra), this Court finds that the impugned order would not be sustainable and hence, it is set aside. The authorities below to reconsider the application for renewal of the arms licence of the petitioner within a period of two months from today.

(JAISHREE THAKUR)
JUDGE

22.04.2022
sanjeev

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No