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

CWP No. 613 of 2020
Date of Decision: 26.08.2022

Vikram Singh

-Petitioner

Versus

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Choudhary, 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, order or direction especially in the nature of certiorari quashing the order dated 08.11.2018 passed by Commissioner of Police, Faridabad and order dated 08.04.2019 passed by Commissioner, Faridabad Division, whereby arm licence of the petitioner was cancelled and renewal thereof was also not permitted.

Learned counsel for the petitioner with reference to record submits that arm licence was issued to the petitioner on 27.12.2010. It was renewed thereafter from time to time. On a specific renewal, the licence was renewed upto 18.12.2018. At

the time of filling approval form vide Annexure P-4, it was specifically mentioned that two FIRs i.e. FIR No.524 dated 02.10.2015 under Sections 447, 448, 427, 506, 34 IPC and FIR No.602 dated 16.11.2015 under Sections 420, 447, 448, 120-B IPC were pending against the petitioner. The aforesaid fact was verified and the application of the petitioner was submitted for approval on 07.09.2016 and consequently, the licence was renewed upto 18.12.2018.

Now, vide the impugned order, the licence has been cancelled and so as the renewal on the premise that there was a concealment in filling the application form. Infact, the petitioner was involved in three FIRs, details of which are as under:-

<i>Sr.No</i>	<i>FIR No.</i>	<i>Date</i>	<i>Sections</i>	<i>Police Station</i>
1.	524	02.10.15	447/448/427//50 6/34 IPC	Sarai Khwaja
2.	602	16.11.15	420/447/448/120 -B IPC	Sarai Khwaja
3.	217	09.03.2018	420/406/466/467 /468/471/506/12 0-B IPC	Sarai Khwaja

Out of the aforesaid three FIRs, FIR No.602 dated 16.11.2015 and FIR No.217 dated 09.03.2018 were cancelled by the police on 25.01.2017 and 03.10.2018 respectively. It is pertinent to note that FIR No.217 was lodged on 09.03.2018 i.e. subsequent to the verification done on 07.09.2016 while making

approval to the claim of the petitioner. In this way, both the FIRs stand disclosed at the time of consideration of renewal of licence of the petitioner on 07.09.2016. The licence was duly renewed on the basis of information furnished by the petitioner and renewed period was upto 18.12.2018. The impugned order has been passed on 08.11.2018 i.e. a month prior to the expiry of arms licence of the petitioner. The basis on which the impugned order has been passed is totally non-existent.

Even otherwise, in view of **Gurdev Singh vs State of Punjab, 1993(2) RRR 629, Mahender Singh vs State of Haryana and others, 2011(3) PLR 693, Sukhpal Singh vs State of Punjab and others, 2016(2) PLR 629** and **Rakesh Kumar vs Principal Secretary to Government of Punjab and others, 2014(3) PLR 224**, the impugned orders are not sustainable.

The weapon in question was never used in the aforesaid FIRs in view of nature of offence alleged therein. Petitioner has not been convicted in any of the aforesaid cases, rather two cases have already been cancelled by the police itself. Even in case of conviction, renewal of licence can be considered at the threshold of Section 9 of the Act after expiry of requisite period.

In view of allegations and material on record, it cannot be said that there was a threat to public peace in view of nature of offence alleged against the petitioner and cancellation of two of the FIRs.

For the reasons recorded hereinabove, I deem it appropriate to quash the impugned orders.

Normal consequences to follow.

26.08.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No