

204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1827-2020
Date of Decision: 27th February, 2023

Sangat Singh ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Samarth Sagar, Additional Advocate General, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. The writ petition in the nature of *Certiorari* is filed seeking quashing of orders dated 26.6.2018 and 8.11.2019 cancelling the arms licence of the petitioner and dismissing the appeal respectively.
2. Brief facts are that the petitioner was holding arms licence No. 09-N/JCP-FBD/2013 of NPB for .32 bore revolver. He applied for renewal of the licence. The Police Commissioner, Faridabad cancelled the arms licence on the ground that the petitioner was involved in three FIRs. The details of the FIRs are mentioned below:-

Sr. No.	FIR No.	Sections	Police station
1.	122 dated 29.3.2014	148, 149, 323 and 506 IPC and SC/ST Act.	Sarai Khawaja
2.	726 dated 3.11.2016	498A, 323, 377, 406, 120-B, IPC	Sarai Khawaja
3.	123 dated 12.4.2017	379, 506, 34 IPC	Sarai Khawaja

Further that the petitioner was having two Voter I-cards (one of Delhi and one of Haryana). Moreover, that the petitioner had concealed the

information with regard to two FIRs for which a separate action was stated

to be taken.

3. Aggrieved of the order, an appeal was preferred. The appellate authority relied upon the fact that the petitioner had two Voter I-cards and was involved in four FIRs, dismissed the appeal.

4. Learned counsel for the petitioner was acquitted in first FIR. The second FIR was result of matrimonial dispute in which untraced report was filed. The third FIR was a counter blast of a civil litigation.

5. Learned State Counsel submits that the petitioner had concealed the material facts in the application for renewal of licence with regard to his involvement in the FIRs. He had also not disclosed the fact that he is having two Voter I-Cards.

6. Sub-section 3 to Section 17 of the Arms Act, 1959 (for short 'the Act') deals with suspension or revocation of licence and is reproduced below :-

'17. Variation, suspension and revocation of licences.—

(3) The licensing authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence—

(a) if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any

other person on his behalf at the time of applying for it;

or

(d) if any of the conditions of the licence has been contravened; or

(e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence.

Section 17(5) of the Act is as under:-

(5) Where the licensing authority makes an order varying a licence under sub-section (1) or an order suspending or revoking a licence under sub-section (3), it shall record in writing the reasons therefor and furnish to the holder of the licence on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

7. Sub-section (3) stipulates eventualities in Clauses (a) to (e) for suspending or revoking the licence.

(a) If there is prohibition under this Act or any other law for acquiring or possessing the arms and ammunition or licence holder is of unsound mind or unfit for any other reason.

(b) If it is necessary for security of public peace or public safety.

(c) Where licence was obtained by suppression of material information or if information provided was wrong.

(d) For contravention of the conditions of licence.

(e) Failure to comply with the notice under Section 17(1) of the Act.

8. Section 17(3) (b) of the Act bestows the wide power on the licensing authority for varying the terms and conditions, revoking or cancelling the licence. The requirement is of authority being satisfied that grant or renewal of licence would not be against the public security, public peace or public safety. There cannot be a quarrel on the proposition that

this discretion has to be exercised judiciously.

9. Sub-section (5) makes it obligatory for the licensing authority to record reasons in writing while varying the conditions of suspending or revoking the licence. The reasons are to be furnished to licence holder on demand, the exception being in case licensing authority is of opinion that it will not be in public interest to give such reasons.
10. During arguments of the writ petition, it is not disputed by learned counsel for the petitioner that there was concealment of the information and that the petitioner had two Voter I-Cards. It would not be out of place to mention that the affect of having two Voter I-Cards was not expounded in the impugned orders. From the perusal of the order cancelling the arms licence and the reply filed, it is forthcoming that no reasons in consonance with sub-section 5 were recorded. In absence of reasons, there is no foundation for concluding that the case falls within the teeth of Section 17(3)(b) of the Act.
11. Without commenting upon the merits of the case, the impugned orders are set aside and the matter is remanded back to the Police Commissioner, Faridabad to decide the issue of renewal of arms licence afresh. Petitioner is directed to appear in the office of Police Commissioner, Faridabad on 27.3.2023 at 11:00 AM.
12. Petition is disposed of.
13. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

27th February, 2023
anuradha

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