

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

CWP-3492-2020

Date of Decision: 8th February, 2023

Surajmal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Yashika Walia, Advocate and
Ms. Garima Modi, Advocate for
Mr. Rose Gupta, Advocate for the petitioner.
Mr. Samarth Sagar, Additional Advocate General, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This petition in the nature of Certiorari is filed seeking quashing of order dated 13th November, 2018 cancelling the arms licence of the petitioner and order dated 27th August, 2019 upholding the same.

2. The petitioner was granted Arms licence on 5th June, 2015. He was involved in FIR No. 18, dated 19th January, 2015, under Section 307 read with 34 of Indian Penal Code and Section 25 of Arms Act, registered at Police Station Sadar, Barwala and FIR No. 84, dated 9th March, 2015, under Sections 376 and 506 of Indian Penal Code, registered at Police Station Barwala. Petitioner was acquitted in both the cases. The arms licence was cancelled vide order dated 13th November, 2018 relying upon the fact that petitioner remained involved in criminal activities as per police record.

3. Learned counsel for the petitioner submits that a reason given for the cancellation of the arms licence does not fall within the ambit of Section 17 of the Arms Act. Once the petitioner is acquitted the finding recorded that he remained involved in criminal activities cannot be

sustained.

4. Learned State counsel submits that the Appellate Authority has relied upon fact that the reason mentioned for possessing a fire arm no longer exists. He fairly submits that the said reason was not considered in cancellation order.

5. Section 17(3) of the Act provides eventualities for revoking and suspending the licence. The reasons mentioned in the order dated 13th November, 2018 does not fall within the clauses mentioned in the Act. The order of cancellation of licence gives no reasons for arriving at conclusion that petitioner remained involved in criminal activities, especially when he is acquitted in both the FIRs.

6. The impugned orders are set aside.

7. The matters are remanded back to respondent No.2 to consider the matter afresh in accordance with law keeping in view the provisions of Section 17(3).

(AVNEESH JHINGAN)
JUDGE

8th February, 2023

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No