

CWP No. 6723 of 2022

[1]

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

CWP No. 6723 of 2022

Date of decision: 21st April, 2023

Balbir Singh

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Namit Khurana, Advocate for the petitioner.
Mr. Samarth Sagar, Addl. AG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking quashing of orders dated 28.12.2018 and 22.8.2019 cancelling the arms licence and dismissing the appeal respectively.
2. The brief facts are that the petitioner was holding arms licence bearing No. 483/DM/KL which was valid upto 29.6.2015. A show cause notice was issued for cancellation of the licence as the petitioner was involved in FIR No. 99 dated 2.4.2005, under Section 380 IPC, FIR No. 244 dated 28.6.2010, under Sections 323, 324, 506, 34 IPC and FIR No. 268 dated 15.6.1983, under Sections 323, 324, 148 and 149 IPC registered

at Police Station Nissing, District Karnal, though he was acquitted in all the cases. The appeal filed was dismissed, hence the present petition.

3. The order of cancellation dated 28.12.2018 is bereft of reasons and is violative of Section 17(5) of the Arms Act, 1959 (for short, 'the Act'). The licensing authority in spite of noting the fact that the petitioner was acquitted in the criminal cases, rejected the application for renewal of the licence. There are no basis recorded in the order for bringing the case within the ambit of Section 17(3) of the Act. Consequently, the impugned orders are set aside.

4. The petition is allowed.

5. The matter is remitted back to respondent No. 3 to decide the issue afresh in accordance with law.

[AVNEESH JHINGAN]
JUDGE

21st April, 2023
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No