

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

CWP-10048-2022

Date of Decision: 15th February, 2023

Harsh Vardhan @ Harshwardhan Bishnoi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Aman Godara, Advocate for the petitioner.

Mr. Samarth Sagar, Addl. A.G. Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This petition in the nature of Certiorari is filed seeking setting aside of orders dated 22nd June, 2020 and 5th January, 2022 cancelling the Arms licence and dismissing the appeal, respectively.

2. The brief facts are that petitioner was having an Arms licence No. 8908/DM/SSA. The Arms licence of the petitioner was cancelled on a report received from Superintendent of Police, Sirsa stating that petitioner is quarrelsome person and is involved in FIR No. 171, dated 10th August, 2019, under Section 68 of Punjab Excise Act, 1914, Police Station Sadar Sirsa. Notice was served and the petitioner responded by filing a reply. The reply was sent to Superintendent of Police, Sirsa who after inquiry reported back that petitioner is quarrelsome person and might commit a heinous crime. On the basis of report the licence was cancelled. The Appellate Authority dismissed the appeal. The appellate Authority relied upon the fact that appellant was caught by the police with a firearm, openly

taking liquor.

3. Learned counsel for the petitioner submits that it was a case of false implication, the FIR was registered against the petitioner at the instance of a police official. Petitioner was having licence since 2012 and there was not even a single allegation of the misuse of firearm. Further submits that there is no FIR registered under the Arms Act, 1959 (for short 'the Act').

4. Learned State counsel defends the impugned orders.

5. Section 17(3) of the Act stipulates the eventualities for variation, suspension and revocation of licence. As per the Section 17(5) of the Act, the licensing authority has to record reasons for suspending or revoking the licence.

6. In the case in hand, the impugned orders are violative of Section 17(5) of the as Act as no reasons were recorded. It would not be out of place to mention here that while cancelling the licence, reply to the notice was not considered by respondent No.3, rather forwarded it to Superintendent of Police for report.

7. There is another aspect of the matter that the Appellate Authority relied upon the fact that the appellant was caught with firearm openly taking liquor and was involved in the FIR. Neither there is any mention of any FIR under the Act in the impugned order nor in the reply filed by respondents in this Court.

8. The impugned orders are set aside. The matter is remanded back to respondent No.3 to decide the matter afresh after providing an opportunity to the petitioner.

9. Let the petitioner appear before the respondent No. 3 on
28th March, 2023 at 11.00 AM.
10. The petition stands disposed of.

(AVNEESH JHINGAN)
JUDGE

15th February, 2023
Parveen Sharma

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