

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

CWP-12580-2022

Date of Decision: 11th April, 2023

Harcharan Channi

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Neeraj, Advocate for
Mr. IPS Ishar, Advocate for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

AVNEESH JHINGAN, J.(Oral)

1. The writ in the nature of *Certiorari* is filed for quashing of orders dated 24.4.2019 and 5.11.2019 cancelling the arms licence of the petitioner and dismissing the appeal respectively.

2. Brief facts are that the petitioner was holding Arms Licence No. 90/DM NSR/PSBalachaur/Jan-2010. The licence was renewed from time to time and was valid till 11.1.2019. The petitioner was nominated in FIR No. 28 dated 23.3.2016 under Sections 365, 323 and 34 IPC, 1860 and Sections 25 and 27 of Arms Act, 1959 (for short 'the Arms Act') registered at P.S. Sadar Nawanshahr District SBS Nagar. The arms licence of the petitioner was cancelled on the recommendation of the Senior Superintendent of Police, stating that the petitioner was involved in a criminal case. The appeal filed against the order was dismissed on 5.11.2019. The appellate authority relied upon the second report to the effect that though the petitioner was acquitted in case of FIR No. 28 but the

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allegation against him was that he misused his arms licence for threatening the complainant party.

3. Learned counsel for the petitioner submits that the petitioner was acquitted and no charges under the Arms Act were framed against him. The contention is that the respondent erred in cancelling the arms licence of the petitioner.

4. Learned State Counsel defends the impugned orders.

5. Heard learned counsel for the parties and perused the pleadings.

6. From the pleadings, it is evident that the petitioner was acquitted in FIR No. 28 and no charges under the Arms Act were framed. The impugned orders are non-speaking and no sustainable reasons has been recorded for bringing the case of the petitioner within the ambit of Section 17 of the Arms Act. Consequently, the impugned orders are set aside and the matter is remanded back to respondent No.2 to decide the issue afresh in accordance with law.

7. Let the petitioner appear before respondent No.2 on 25th April, 2023 at 11:00 AM.

8. Petition is disposed of.

9. Since the main case has been disposed of, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

11th April, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No