

2023:PHHC:082719

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-13041-2023 (O&M)
Date of Decision:-3.7.2023

Anurag

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bhagwan Singh, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

CM-10145-CWP-2023

In view of the reasons mentioned in the application, the same is allowed as prayed for.

CWP-13041-2023 (Main Case)

1. The petitioner assails order dated 18.8.2022 (Annexure P-3) passed by learned District Magistrate, Kaithal vide which the learned District Magistrate has declined renewal of his arms license, which had earlier been issued to the petitioner.
2. The petitioner also assails order dated 24.11.2022 (Annexure P-5) passed by the Appellate Authority i.e. learned Divisional Commissioner, Karnal Division, Karnal, whereby also the petitioner's appeal challenging order dated 18.8.2022 passed by District Magistrate, Kaithal, has been dismissed.

3. Notice of motion.
4. Pursuant to service of advance notice, Mr. Samarth Sagar, Additional Advocate General, Haryana has put in appearance on behalf of the respondent – State and accepts notice.
5. Having heard the learned counsel for the petitioner and also the learned State counsel, this Court finds that the sole reason assigned for declining renewal of the arms license of the petitioner is that “the petitioner is a person of mischievous and criminal nature, who can commit any serious crime”.
6. The petitioner had been involved in 3 FIRs i.e. FIR No.380, dated 14.9.2003 registered at Police Station City Jind, under Sections 323, 324, 148 and 149 of Indian Penal Code, FIR No.220, dated 6.11.2009 registered at Police Station City Kurukshetra, under Sections 148, 149, 323, 506, 341 and 427 of Indian Penal Code and FIR No.107, dated 20.7.2015 registered at Police Station Dand, under Sections 148, 149, 447, 511, 307, 354, 56 of Indian Penal Code and Sections 25/54/59 of Arms Act. Interestingly, the District Magistrate, Kaithal as well as learned Divisional Commissioner, Karnal Division, Karnal have duly noticed the fact that the petitioner stands acquitted in all the said 3 cases but have still formed an opinion that the petitioner is a person of mischievous and criminal nature without there being any other additional material on record. Such an opinion seems to have been formed without any supporting material/substance.
7. As such, both the impugned orders i.e. order dated 18.8.2022 (Annexure P-3) passed by learned District Magistrate, Kaithal and order dated 24.11.2022 (Annexure P-5) passed by learned Divisional Commissioner, Karnal Division, Karnal can not sustain and are hereby set aside. The matter is

remanded back to the District Magistrate, Kaithal with a direction to consider the matter afresh and to pass a speaking order. Any finding or opinion regarding character or conduct of petitioner should be supported by definite reasoning. Necessary orders be passed expeditiously.

8. The instant petition stands disposed off accordingly.

3.7.2023

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No