

CWP No. 19006 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 19006 of 2022
Date of decision: 19th April, 2023

Hoshiyar Singh

Petitioner

Versus

State of Haryana and others

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Riya Aggarwal, Advocate for
Ms. Deipa Singh, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking quashing of orders dated 12.10.2021 and 19.5.2022 refusing renewal of the arms licence and dismissing the appeal respectively.
2. The brief facts are that the petitioner was holding arms licence bearing No. 237/DM/Jind/May/2006 which was valid till the year 2018. Application for renewal of the licence was rejected on the ground that the petitioner was involved in FIR No. 160 dated 17.3.2006, under Sections 302/387/216/511/420/467/468/471/120-B IPC and Section 25 of the Arms Act, 1959 (for short, 'the Act') though he was acquitted. The appeal filed

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was dismissed, hence the present petition.

3. The order of cancellation dated 12.10.2021 is bereft of reasons and is violative of Section 17(5) of the Act. The licensing authority in spite of noting the fact that the petitioner was acquitted in the criminal case 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

19th April, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |