

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

CWP-21928-2021 (O&M)
Date of Decision:-03.10.2023

Musay Khan

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Lamba, Advocate, for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner assails order dated 07.03.2019 (Annexure P-2) vide which his application for renewal of his arms licence has been declined mainly on the ground of limitation and also on the ground that the petitioner had been involved in a criminal case. The petitioner also assails order dated 15.7.2021 (Annexure P-6) vide which the appeal filed by the petitioner against the aforesaid order was also dismissed on the ground of delay.
2. Learned counsel for the petitioner submits that there was a minimal delay of 11 days in submitting the application for renewal of arms licence and that the petitioner, in the trial arising out of FIR No. 388, dated 25.7.2012, Police Station Nuh, under Sections 148, 149, 323, 324, 325, 506 IPC, was ordered to be released on probation.
3. It has been submitted that as a matter of fact in the matter arising out of FIR No.388 dated 25.7.2012, the weapon in question is not even alleged to be

used in the occurrence. It has been submitted that in any case as of now a period of 5 years has elapsed ever since the said FIR which was in respect of minor offences and as such he is entitled for restoration of his licence.

4. Opposing the petition, learned State counsel has submitted that there is no provision for condonation of delay under Arms Act, 1959 and that since the petitioner had applied belatedly for renewal of his licence, his application was bound to have been rejected. It has also been submitted that as a matter of fact when the petitioner appealed against the order of the Collector even the appeal was filed after a delay of 5 months. It has however, been submitted that in case, petitioner applies afresh for issuance of licence, the same shall be considered in accordance with law.
5. Learned counsel for the petitioner has expressed that the petitioner is willing to apply afresh in case his application is considered in accordance with law.
6. Having regard to the aforestated position, the instant petition is disposed of with liberty to the petitioner to apply afresh for grant of licence. In case, any such application is filed by the petitioner within a period of 2 weeks from today, the same shall be considered by the respondents in accordance with law and shall be disposed of expeditiously preferably within a period of 6 weeks from filing of such application. The respondents shall consider and dispose of the fresh application without being prejudiced by the fact that his application for renewal had been dismissed previously.

03.10.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No