

2023:PHHC:055185
CWP No. 26185 of 2019 [1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 26185 of 2019
Date of decision: 20th April, 2023

Major Singh

Petitioner

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Sareen Chaudhary, Advocate for
Mr. Rahul Deswal, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

1. This petition is filed seeking quashing of orders dated 13.7.2018 and 25.4.2019 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. 5851/DM/KL granted on 9.1.2012. A show cause notice was issued for cancellation of the licence as the petitioner was involved in FIR No. 338 dated 17.6.2015, under Sections 285 and 336 IPC and Section 27 of the Arms Act, 1959 (for short, 'the Act') registered at Police Station Assandh, District Karnal, though he was acquitted. The appeal filed was

dismissed, hence the present petition.

3. The order of cancellation dated 13.7.2018 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.

20th April, 2023

mk

[AVNEESH JHINGAN]

JUDGE

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No