

2023:PHHC:123399

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

CWP-36731-2019 (O&M)
Date of Decision:-20.9.2023

Shamsher Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S. Santwal, Advocate for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 31.8.2018 (Annexure P-10) passed by respondent No.3 – Sub Divisional Magistrate, Karnal, District Karnal vide which his application for renewal of his arms license has been declined. The petitioner also assails order dated 18.7.2019 (Annexure P-11) passed by respondent No.2 – Commissioner, Division Karnal, District Karnal, vide which appeal against the aforesaid order has been dismissed.
2. Learned counsel for the petitioner submitted that the petitioner had been issued an arms license bearing No.4906/DM/KL for a double barrel gun, which had been issued in the year 2007 and was valid upto 12.10.2010. It has been submitted that the petitioner went abroad in the year 2009 and returned back in February 2018 and on account of the said fact he could not apply for renewal of his arms license in India and it is only when he returned back to

India in the year 2018 that he moved an appropriate application for renewal of the same, which has been declined vide impugned order dated 31.8.2018 (Annexure P-10) mainly on the ground that he had not applied for renewal of arms license within the stipulated period.

3. Learned State counsel has, however, opposed the petition on the ground that the petitioner could have applied for renewal of the arms license only in the prescribed period and the petitioner having applied for renewal of the same after a gross delay of about 8 years, the instant petition deserves to be dismissed. Learned State counsel has, however, submitted that it shall be open to the petitioner to apply for an arms license afresh by moving an appropriate application, which shall be considered in accordance with law.
4. This Court has considered the aforesaid submissions.
5. In view of the aforestated position, where there has been a gross delay of about 8 years in moving the application for renewal of the arms license through the same could to some extent be justified as the petitioner is stated to have been abroad for a good about 9 years, the instant petition is disposed of with liberty to the petitioner to move an appropriate application before the authorities concerned for issuance of a fresh arms license. In case, any such application is moved by the petitioner within a period of 1 month from today, the authorities concerned shall consider and dispose of the same expeditiously while duly taking into account the fact that the petitioner on previous occasion had been issued an arms license and is not stated to have misused the same.

20.9.2023

pankaj

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No

(Gurvinder Singh Gill)
Judge