

CWP-6442-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(102)

CWP-6442-2024

Date of decision:- 18.03.2024

Buta Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rajan Singh Dadwal, Advocate
for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

1. By way of present writ petition filed under Article 226/227 of the Constitution of India, petitioner has approached this Court for issuance of a writ in the nature of certiorari for quashing order dated 02.01.2023, Annexure P-6, passed by respondent No.3, whereby, Arms Licence granted to the petitioner, has been cancelled, and appellate order dated 16.08.2023, Annexure P-8, passed by respondent No.2, whereby, appeal filed by the petitioner under Section 18 of the Arms Act, 1959, has been dismissed.

2. Counsel for the petitioner has contended that the sole ground for cancellation of the Arms Licence was registration of FIR No.0003 dated 15.01.2022, registered for offences under Sections 341, 342, 323, 148,

CWP-6442-2024

-2-

149 and 120-B, IPC, at Police Station Hathur, District Ludhiana Rural, Annexure P-3, wherein, although petitioner was named as accused, but no role was ascribed to him. He submits that after trial, petitioner, who was named as accused No.10, has been acquitted by judgment dated 02.02.2024, Annexure P-9. He submits that prior to his acquittal, an appeal was filed by him, stood rejected by respondent No.2, vide impugned order, Annexure P-8.

3. Notice of motion.

4. On asking of the Court, Ms. Amrita Garg, AAG, Punjab, accepts notice on behalf of the respondents. She has supported the orders under challenge.

5. I have heard counsel for the parties and considered their respective submissions.

6. A perusal of the impugned order, Annexure P-8, shows that Arms Licence was cancelled on the ground of registration of criminal case against the petitioner. As the criminal case has concluded and the petitioner has been acquitted, this Court is of the view that the matter will require reconsideration at the hands of the authorities in view of the subsequent development.

7. Accordingly, impugned orders, Annexures P-6 and P-8, are quashed. Matter is remitted to respondent No.3, to take a fresh decision in the light of the acquittal of the petitioner.

8. Petition is disposed of.

CWP-6442-2024

-3-

9. Parties are directed to appear before respondent No.3, on 18.04.2024 at 10.00 A.M., for further proceedings.

10. It is clarified that order dated 02.12.2022, Annexure P-4, whereby Arms Licence of the petitioner was suspended, shall remain in operation and will be subject to the outcome of the decision taken by respondent No.3.

(SUVIR SEHGAL)
JUDGE

18.03.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes