



CWP-7954-2019 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(103)

CWP-7954-2019 (O&M)

Date of decision:- 01.10.2024

Subhash Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rohit Singh, Advocate, for
Mr. Ranjit Saini, Advocate
for the petitioner.

Mr. Satish Singla, Assistant Advocate General, Haryana.

...

SUVIR SEHGAL, J. (Oral)

CM-13482-CWP-2024

With the consent of counsel for the parties, main case is ordered to be taken on Board.

Application is disposed of.

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1. Instant writ petition has been filed under Article 226/227 of the Constitution of India *inter alia* for issuance of a writ in the nature of certiorari for quashing orders dated 05.06.2013 and 08.08.2018, Annexures P-2 and P-5, respectively, whereby petitioner's firearms license has been cancelled and

appeal has been dismissed.

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2. Counsel for the petitioner submits that petitioner possessed an arms license and had purchased NPB 32 Bore Revolver for his self-defence, as his agricultural land is located near the border of the State of Uttar Pradesh. He submits that an FIR No.26, dated 26.02.2013, Annexure P-1, for offences under Sections 285, 337, 338, IPC, and Sections 27, 25 of the Arms Act, 1959, was lodged against him at Police Station Barara, District Ambala, and after the investigation, a final report dated 19.04.2013, was submitted by the Investigating Agency. Counsel submits that as the petitioner was named as an accused in the criminal case, his arms license was cancelled vide impugned order, Annexure P-2, and appeal filed by him challenging the said order was rejected by the Commissioner, Ambala Division, Ambala Cantt., vide impugned order, Annexure P-5. Counsel urges that during the pendency of the appeal, petitioner was acquitted of the charges framed against him by the Trial Court vide judgment dated 01.08.2013, Annexure P-4. By making a reference to the judgment, Annexure P-4, he submits that the prosecution failed to establish the guilt of the petitioner. He asserts that this development has escaped the notice of the Appellate Authority.

3. Writ petition has been contested by the respondents by filing a reply. State counsel submits that the impugned action has been taken against the petitioner, as he misused the firearms and he is unfit to hold a firearms license.

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

5. Undisputedly petitioner has been acquitted in the criminal case registered against him. This was the sole ground for cancellation of the



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firearms license. Although, the Appellate Authority has noticed the acquittal in the impugned order, Annexure P-5, but did not advert to it while dismissing the appeal. This was a vital development has not been given due consideration. Therefore, this Court is of the view that impugned order Annexure P-5, deserves to be set aside and the matter should be reconsidered by the Appellate Authority.

6. For the afore-going reason, impugned appellate order, Annexure P-5, is quashed. The matter is remitted to the Appellate Authority to decide the appeal afresh in accordance with law, after hearing the parties.

7. Writ petition is disposed of.

8. Parties are directed to appear before the Commissioner, Ambala Division, Ambala Cantt., on 04.11.2024, at 10.00 a.m., for further proceedings.

(SUVIR SEHGAL)
JUDGE

01.10.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes