

CWP-7302-2024 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(106)

CWP-7302-2024 (O&M)

Date of decision:- 16.04.2024

Ravinder Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Sonia G.Singh Samber, Advocate, for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

CM-5670-CWP-2024

Application is allowed as prayed for.

Additional Affidavit of the petitioner as well as Annexures P-11 and P-12, are taken on record.

CWP-7302-2024

1. By way of present writ petition filed under Article 226 of the Constitution of India, petitioner has approached this Court for issuance of a writ in the nature of certiorari for quashing order dated 21.01.2022, Annexure P-7, passed by respondent No.3, whereby, his Firearm Licence has been cancelled, as well as order dated 18.05.2022, Annexure P-9, passed by the Appellate Authority, whereby, appeal preferred by the petitioner has been dismissed. Another prayer has also been made for issuance of provisional licence to the petitioner.

2. Counsel for the petitioner urges that petitioner is a businessman and has to travel with cash at odd times. She submits that petitioner is in the need of a firearm for his safety and the safety of his employees. She submits that petitioner was issued a Firearm Licence in the year 2007, which was renewed from time to time. She submits that the petitioner was named as an accused in FIR No.371 dated 22.09.2021, lodged under Sections 148, 149, 323, 324, 325, 506, IPC, and Section 27 of the Arms Act, 1959, at Police Station Nissing, District Karnal, Annexure P-1. After serving a show cause notice, impugned order, Annexure P-7, respondent No.3 cancelled his Licence. Counsel submits that the criminal case was settled, but ignoring this fact, Appellate Authority vide impugned order, Annexure P-9, dismissed the appeal. By making a reference to the additional affidavit, which has been taken on record, today, she submits that the petitioner's weapon was snatched by one Lakhwinder Singh, which is now deposited with the Police Station Nissing, vide Recovery Memo, Annexure P-11. It is her argument that after passing of the impugned orders by the Authorities, FIR has been quashed by order dated 02.11.2023, Annexure P-3, passed by this Court on the basis of a settlement between the parties.

3. Issue notice to the respondents.

4. On asking of the Court, Mr. Aman Bahri, Additional Advocate General, Haryana, accepts notice on their behalf. State counsel could not dispute that FIR, Annexure P-1, has been quashed after passing of the

impugned appellate order.

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

6. The sole ground for cancellation of the Fire Arms Licence was involvement of the petitioner in a criminal case. However, criminal case has now been quashed by this Court, vide judgment, Annexure P-3, on the basis of a compromise between the parties. As the sole ground, on which, Licence was cancelled, no longer exists, this Court is of the view that the matter deserves to be re-examined by the Authorities in the light of the subsequent development.

7. Accordingly, petition is allowed. Annexures P-7 and P-9 are quashed. Matter is remitted to respondent No.3 (District Magistrate, Karnal), who shall pass a fresh order after hearing the parties within a period of four months in light of the subsequent development.

8. It is clarified that Fire Arms Licence issued to the petitioner shall remain suspended/cancelled till the time respondent No.3 takes a final decision and would be subject to the final outcome of the proceedings before respondent No.3.

(SUVIR SEHGAL)
JUDGE

16.04.2024
Pardeep

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No