



CWP-8498-2022 (O&M) **1**

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

101+205 CWP-8498-2022 (O&M)
Date of Decision: 22.08.2024

UMARSEER SINGH @ OMARSEER SINGH
... Petitioner

VS.

STATE OF PUNJAB AND ANR
.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. P.K. Bansal, Advocate for the petitioner.

 Mr. Anil Bansal, DAG, Punjab

SUVIR SEHGAL, J. (ORAL)

CM-13318-CWP-2024

1. Application is allowed, as prayed for.
2. Judgment dated 20.04.2023, passed by this Court, is taken on record as Annexure P-9.

Main case.

3. Instant petition has been filed under Article 226 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of certiorari for quashing orders dated 20.07.2018 and 09.12.2021, Annexures P-5 and P-8, respectively, whereby respondent-authorities have cancelled the firearms Licence issued to the petitioner.



4. Counsel for the petitioner submits that the petitioner possessed a licence to hold firearms, Annexure P-1, which was valid till 27.03.2019. As the petitioner was named as an accused in some criminal cases, he was served with a show cause notice and by virtue of the impugned orders, the firearms licence was cancelled and a statutory appeal filed by the petitioner was rejected. Counsel contends that the sole ground for cancellation of the firearms licence was because the petitioner was named as an accused in three criminal cases. He submits that insofar as FIR No. 87 dated 02.06.2016 is concerned, after facing trial, petitioner was acquitted by judgment dated 03.08.2018, Annexure P-2, by the trial Court. He submits that other two criminal cases viz. FIR No.126 dated 19.08.2016 and FIR No. 132 dated 29.08.2016, were quashed by this Court vide orders dated 26.10.2017, Annexure P-3 and 20.04.2023, Annexure P-9 on the basis of settlement. He submits that the petitioner is not involved in any other criminal activity and there is no hindrance in possessing a firearms licence.

5. Upon notice of this Court, respondents have filed a reply contesting the petition by submitting that as the petitioner has criminal antecedents, he is ineligible to hold a licence. State counsel has supported the orders under challenge.

6. Having heard counsel for the parties and examining the documents placed on record, this Court is of the view that the matter requires reconsideration at the hands of the authorities. A perusal of the orders, Annexures P-2, P-3 and P-9 passed by the courts show that the petitioner can no longer said to be involved in any criminal case. As the



involvement of the petitioner in the alleged criminal activities was the sole ground for the cancellation of the licence, the ground is no longer in existence.

7. Accordingly, impugned orders, Annexures P-5 and P-8 are quashed. Matter is remitted to District Magistrate, Moga, to take a fresh decision in the light of the subsequent developments.
8. Petition is disposed of.
9. Parties are directed to appear before the District Magistrate, Moga on 14.10.2024 at 10:00 a.m. for further proceedings.

22.08.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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