

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

Date of Decision: 08.05.2024

1. Civil Writ Petition-PIL No. 69 of 2024 (O&M)Navkiran Bajwa

.....Petitioner

versus

State of Punjab and others

.....Respondents

2. Civil Writ Petition-PIL No. 93 of 2024Gurpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

3. Civil Writ Petition No. 8233 of 2024Shamsher Dass Mundi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI, JUDGE

Present : Mr. APS Shergill, Advocate, for the petitioner in
CWP-PIL No. 69 of 2024.

Mr. Ravinder Singh Randhawa, Advocate and
Ms. Tarannum Madan, Advocate, for the petitioner in
CWP No. 8233 of 2024.

Mr. Ripudaman S.Brar, Advocate, for petitioners No.2 to 16 in
CM No. 56-CWPIL-2024 in CWP-PIL No. 69 of 2024.

Mr. Rishu Garg, Advocate, for the petitioner in
CWP-PIL No. 93 of 2024.

Mr. Sumeet Jain, Addl. Standing Counsel with
Mr. Himanshu Arora, Junior Panel Counsel for U.T. Chandigarh.

Mr. Saurav Khurana, Addl. Advocate General, Punjab and
Mr. Salil Sabhlok, Sr. Deputy Advocate General, Punjab.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Mr. Prateek Gupta, Advocate for Election Commission of India.

**G.S. SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)**

The issue raised in the present writ petitions was that the notices had been issued by the State of Punjab to the persons to deposit their licenced armed weapons in view of the forthcoming elections of Lok Sabha-2024. Reliance has been placed on a communication dated 08.06.2023 issued by the Election Commission of India wherein it is mentioned that a preliminary exercise has to be done to identify the mischief mongers and the potential trouble makers and the weapons as such had to be deposited by such elements rather than the blanket deposit. It was noticed on 25.04.2024 by this Court that the States of Punjab and Haryana are following a reverse procedure by asking all the arms licence holders to deposit their arms and ammunitions who have then to apply to the Screening Committee. Thus the State is not only multiplying their own work but also violating the instructions/guidelines issued by the Election Commission of India.

2. In CWP-PIL No. 69 of 2024, an affidavit on behalf of the respondent-State of Punjab has been filed by Shri Parmdeep Singh, Under Secretary to the Government of Punjab, Department of Home Affairs and Justice wherein it has been mentioned that out of total number of licensed arms i.e. 4,21,688 in the State of Punjab, 3,39,924 licenced arms have already been deposited.

3. Mr. Sabhlok, Senior Deputy Advocate General, Punjab submits that it would amount to 83.34% armed licences which already have been deposited in the State of Punjab. As per annexure R-1, it has been informed that State Police has expressed its inability to release the already deposited arms at this stage as it would be a humongous task until the present election process is over as the same is around the corner. It has also been mentioned



that instructions of the Election Commission of India henceforth will be followed for the remaining weapons.

4. Mr. Balyan also placed on record a communication dated 07.05.2024 which has been addressed by the Additional Chief Secretary to the Government of Haryana to all the Director Generals of Police, District Magistrates, Commissioners of Police and Superintendents of Police whereby it has been mentioned that similar action as has been taken by the Union Territory, Chandigarh vide order dated 10.04.2024 shall be taken in all the districts in the State of Haryana. Mr. Balyan further submits that State of Haryana would also face similar problems since the order has already been implemented and large number of weapons as such have already been deposited and therefore to direct the police authorities to release them at this stage may not be very practical and feasible since the authorities are on the election duties on the coming days.

5. Keeping in view the above, we direct the State of Haryana to take the same steps as such regarding the instructions of the Election Commission of India for the remaining weapons which may have not been deposited. The Screening Committee can thus examine as to which set of persons have to deposit their armed weapons and pass necessary orders in case of deposit of balance armed weapons.

6. Needless to say that there would be strict adherence as such of Clause-F of the deposit of armed licence as per instructions dated 08.06.2023 regarding the weapons which have still not been deposited by the concerned individuals.

7. Keeping in view the above, we are sanguine that both the States of Punjab and Haryana and Union Territory, Chandigarh in future shall take necessary steps as per the instructions of the Election Commission of India in

proper perspective. Resultantly, all the writ petitions stand disposed of with the above observations. Pending applications, if any, including for impleadment, also stand disposed of.

(G.S.SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

08.05.2024

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No