



CWP-18340-2020 (O&M)

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

(102+205)

CWP-18340-2020 (O&M)
Date of decision:- 08.08.2024

Hardeep Singh Cheema**... Petitioner****Versus****State of Punjab and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Manbir Singh Batth, Advocate for the applicant-petitioner.

Ms. Amrita Garg, AAG, Punjab for the respondents.

SUVIR SEHGAL, J. (ORAL)**CM-11883-CWP-2024**

1. Application is allowed as prayed for.
2. Applicant-petitioner is permitted to bring on record Arms Rules, 1962 as Annexure P-12.

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1. By way of present writ petition filed under Article 226/227 of the Constitution of India, petitioner has approached this Court *inter-alia* for issuance of a writ in the nature of certiorari for quashing orders dated 11.12.2013 and 14.08.2020, Annexures P-6 and P-11, respectively, passed by the respondent-authorities, whereby petitioner's application for renewal of firearm license has been rejected.
2. Counsel for the petitioner submits that the petitioner is the Managing Director of M/s Cheema Boilers Private Limited and has an

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annual turn over of approximately Rs.100 crores. He submits that the petitioner travels to various parts of the country in connection with the business and needs a weapon for his self protection. He submits that the petitioner was issued a license, Annexure P-1, under the Arms Act, 1959 (for short “the Act”) and possesses two weapons, i.e., .32 Bore and .12 Bore DBBL Gun. He submits that the license was valid upto 12.02.2013. He submits that the petitioner applied for the renewal of the license, but the application was rejected vide order, Annexure P-6, by the Licensing Authority and appeal was rejected vide impugned order, Annexure P-11. Counsel submits that the sole ground for rejection of the application is that one of the two weapons was misused by his son, Amardeep Singh, when the petitioner was abroad. By referring to the judgment of the Trial Court, Annexure P-7, he asserts that after trial in FIR No.242 dated 03.09.2011 under Section 25 and 27 of the Act read with Section 34, IPC lodged at Police Station Sector 36, U.T., Chandigarh, petitioner’s son was acquitted. It is his argument that both the authorities have failed to notice this development.

3. *Per contra*, learned State counsel on the basis of the reply filed by the official respondents submits that before going abroad, petitioner was required to deposit the firearms with a Gun House or the SHO concerned, which he failed to do. She submits that the license has been cancelled on account of carelessness of the petitioner.

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



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5. A perusal of both the impugned orders show that the petitioner’s application has been rejected on the ground that the petitioner failed to keep the firearms in safe custody when he was not in the country. The impugned order was passed by the Licensing Authority in the year 2013 prior to the acquittal of the petitioner’s son vide judgment dated 27.03.2017, Annexure P-7. However, in appeal, the Appellate Authority failed to take into account that petitioner’s son has been acquitted by the Trial Court. Not only this, Appellate Authority has dismissed the appeal primarily on the ground that the appeal was belated. As the acquittal of petitioner’s son in the criminal case has a direct bearing on the decision of petitioner’s application for renewal, this Court is of the view that both the impugned orders deserve to be set aside and the matter has to be remitted to the Licensing Authority to consider the application afresh.

6. Accordingly, impugned orders, Annexures P-6 and P-11, respectively, are set aside. Matter is remitted to the Licensing Authority to re-examine the application in the light of the subsequent development and pass a fresh order after hearing the parties within a period of four months from date of communication of a copy of this order.

7. Petition is disposed of.

8. Parties are directed to appear before the District Magistrate, S.A.S. Nagar on 10.09.2024, at 10:00 A.M.

08.08.2024

Kamal

(SUVIR SEHGAL)
JUDGE

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