



CWP-20899-2021

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

(204)

CWP-20899-2021

Date of decision:- 24.07.2024

Ramesh Gulia

... Petitioner

Versus

The Commissioner, Faridabad Division, Faridabad and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjeev Kumar, Advocate,
Mr. Bhisham Singh, Advocate and
Mr. Vikas Barala, Advocate
for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana

SUVIR SEHGAL, J. (ORAL)

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 order dated 09.04.2019, Annexure P-2, as well as order dated 02.07.2021, Annexure P-3, whereby an application for renewal of firearm license has been rejected and appeal, preferred by the petitioner, has been dismissed.

2. Counsel for the petitioner submits that the petitioner was issued a license under the Arms Act, 1959, which was valid till 24.11.2016 and he possessed a .12 bore double barrel gun. He submits that after the expiry of the license, he applied for its renewal, which has been rejected by the authorities by orders impugned herein. He contends that his application did

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not find favour as he had submitted it after expiry of the licence. He submits that the delay occurred because his brother was suffering from cancer and the petitioner was getting him treated. Still further, he submits that a criminal complaint submitted against the petitioner by one, Inderpal Singh Arora, but the complaint was consigned to the record on 29.11.2018, Annexure P-4.

3. *Per contra*, learned State counsel, on the basis of the stand taken in the written statement filed by the respondents submits that despite being granted a personal hearing, petitioner failed to give any satisfactory explanation for the delay. He submits that after the expiry of the license, petitioner did not deposit the double barrel gun in the police station or in any gun house.

4. Countering his submission, by referring to the stand taken in the written statement, counsel for the petitioner submits that the firearm has been deposited with a gun house on 07.12.2018.

5. Counsel for the parties have been heard and their rival submissions have been considered.

6. A perusal of the impugned orders passed by the authorities show that the application for renewal has been rejected on two grounds. Firstly, the authorities have taken notice of a complaint dated 28.10.2018 moved by Inderpal Singh Arora, wherein it has been alleged that the petitioner had assaulted him and used abusive language, besides intimidating him, by brandishing a firearm. It cannot be disputed by the respondents that this complaint has been consigned to the record vide order, Annexure P-4, as



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despite notice, the complainant did not join the investigation. This complaint, therefore, could not be taken into consideration by the authorities while dealing with the application for renewal submitted by the petitioner. In so far as the second ground for rejection is concerned, petitioner has submitted that his brother was suffering from cancer and was undergoing chemotherapy. Although, petitioner has not placed any document on the record to support his assertion, but counsel has submitted that the medical prescription and treatment record is available with the petitioner, which will be produced before the authorities. This Court is of the view that an opportunity deserves to be afforded to the petitioner to produce the same.

7. Consequently, impugned orders, Annexures P-2 and P-3, are set aside. Matter is remitted to licensing authority, who shall pass a fresh order on the renewal application, after hearing the parties and giving them adequate opportunity to produce the documents they deem necessary.

8. Petition is disposed of.

9. Parties are directed to appear before before licensing authority on 02.09.2024, at 10:00 A.M., for further proceedings in accordance with law.

24.07.2024
Kamal

(SUVIR SEHGAL)
JUDGE

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