



CWP-18905-2024

-1-

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

(105)

CWP-18905-2024

Date of decision:- 11.11.2024

Ravinder

...Petitioner

Versus**State of Haryana and others**

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. D.P.S.Bajwa, Advocate, for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. By way of present writ petition, petitioner has moved this Court *inter alia* for issuance of a writ in the nature of certiorari for setting aside impugned orders dated 12.04.2023 and 28.05.2024, Annexures P-1 and P-3, respectively, passed by the respondent-authorities, whereby his firearms license has been suspended under the Arms Act, 1959.

2. Brief summary of facts leading to the filing of the petition are that the petitioner possessed an Arms License bearing No.348/DM/Jind/July/2012, which was renewed from time to time and was valid upto 31.07.2021. Before its expiry, petitioner applied for its renewal and the police authorities reported that the petitioner is named as an accused in FIR No.96, dated 29.05.2020, Annexure P-5, lodged for offences under Sections 323, 341, 506 and 34, IPC, at Police Station Julana, District Jind, which is pending before the Trial Court. On the basis of a negative recommendation, a show cause notice was issued to the petitioner, who appeared for personal hearing and by order, Annexure P-1, the license was suspended. Petitioner was directed to deposit the firearms with a arms dealer or the nearest Police Station within a period of three days from

**CWP-18905-2024****-2-**

passing of the order, Annexure P-1. Petitioner remained unsuccessful in appeal, which was dismissed by the appellate-authority vide order, Annexure P-3. Challenging both the orders, Annexures P-1 and P-3, petitioner is before this Court.

3. Counsel for the petitioner submits that petitioner was named as an accused in two criminal cases, however, after trial, he was acquitted in FIR, Annexure P-4. In so far as the second FIR, Annexure P-5, is concerned, he submits that the allegations leveled against him are fabricated and the FIR is a counter-blast to another criminal case, lodged by petitioner's brother. It is his argument that the mere registration of an FIR, against the petitioner, cannot be a ground for denial of the firearms license and it was obligatory on the authorities to examine the allegation leveled against him. Counsel has further submitted that after cold blooded murder of petitioner's brother, FIR, Annexure P-6, has been registered. Counsel asserts that the petitioner is one of the vital witnesses and as he has been receiving threats from the accused, he needs a weapon for his self-protection.

4. Issue notice of motion to the respondents.

5. On asking of the Court, Mr. Sharad Aggarwal, Deputy Advocate General, Haryana, accepts notice on their behalf.

6. As the factual matrix is not in dispute and the legal position is settled, this Court does not intend to call upon the respondents to file a response. State counsel has banked upon the pendency of FIR, Annexure P-5, in which the petitioner is named to urge that the license has been suspended keeping in view the security of the public.



CWP-18905-2024

-3-

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

8. The sole question that arises for determination is as to whether the authorities can suspend the license merely on the ground of the registration of an FIR or that they are required to examine the alleged role of the petitioner in the criminal case while deciding the application for renewal of the firearms license. This question has been answered by this Court in ***Tirath Singh Versus State of Punjab and others, CWP-17688-2023***, decided on 16.10.2024. After noticing sub-Section (3) of Section 17 of the Arms Act, 1959, this Court observed as under:-

“9. The language of the above reproduced statutory provision is very clear. A firearm licence can be varied, suspended or revoked on the grounds mentioned in sub-section (3) of Section 17 reproduced above and for no other reason. Involvement of the petitioner in criminal cases has been mentioned as the sole ground for the revocation of the licence. However, the authorities have not examined the nature of allegations or the gravity of offence allegedly committed by the petitioner, which was imperative. After scrutinizing the allegations, authorities may come to the conclusion that possession or grant of firearms licence may lead to an apprehension of breach of public security or safety. There may be a situation where the authorities may find that there is a possibility that the applicant/licence holder may misuse the weapon for harming or intimidating the prosecution witnesses. Cancellation or revocation



under Section 17 (3) of the Arms Act, 1959 in these circumstances may be justified.”

9. It is, therefore, evident from the above reproduction that it was mandatory for the authorities to advert to the nature of allegations leveled against the petitioner, the gravity of the offence allegedly committed by him as well as the role ascribed to him in the criminal case before coming to the conclusion as to whether it is necessary to suspend the licence for breach of public peace or if there is a possibility of any danger to public safety. This exercise has not been carried out before passing the impugned orders, which cannot, therefore, be sustained.

10. In view of above noted position, impugned orders, Annexures P-1 and P-3, are set aside. Matter is remitted to the licensing authority to decide the application for renewal afresh, after hearing the parties.

3. Writ petition is disposed of.

4. Parties are directed to appear before the licensing authority on 16.12.2024, at 10.00 a.m., for further proceedings in accordance with law.

(SUVIR SEHGAL)
JUDGE

11.11.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes