

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(210)

CWP-26340-2022
Date of decision:- 03.04.2024

Ranjit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. N.K.Verma, Advocate and
Mr. Ankush Verma, Advocate
for the petitioner.

Mr. Amit Chaudhry, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant petition, petitioner has approached this Court under Articles 226/227 of the Constitution of India challenging orders dated 25.08.2020, Annexures P-6 as well as Appellate order dated 27.07.2022, Annexure P-10 passed by the respondent-authorities, whereby license issued to him under the Arms Act, 1959 (for short “the Act”) has been cancelled and the appeal has been dismissed. He has also sought a writ in the nature of mandamus for directing the respondents to issue an Arms License to him.

2. Counsel for the petitioner submits that two grounds on the basis of which the license has been cancelled no longer survive. He submits that the petitioner was named as an accused in FIR No.32 dated 12.04.2017 lodged for offence under Sections 325, 323, 201 and 34, IPC at Police Station Khamanon, District Fatehgarh Sahib and he has been given a clean

acquittal by judgment dated 04.08.2022, which has been passed after the appeal was dismissed vide order, Annexure P-10. He submits that the second ground for rejection was that the petitioner had failed to clear the dope test. By making a reference to the laboratory report dated 21.09.2022, Annexure P-8, counsel asserts that the report is now “Negative”.

3. Upon notice, writ petition has been contested by the respondents by filing a short reply, wherein it has been submitted that the petitioner was named as an accused in two criminal cases. It has been admitted that he has been acquitted in both the cases after trial. It has been further submitted that after the expiry of the firearms license, the petitioner had deposited the firearms with the concerned police official in February, 2020 and there is no specific threat or apprehension to his life. State counsel has supported the order passed taken by the respondent-authorities.

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

5. It could not be disputed that the petitioner has been acquitted in the criminal cases in which he was named as an accused. One of the judgments in the criminal case has been passed after the decision of the appeal filed under Section 17 of the Act. Furthermore, perusal of the laboratory report shows that the petitioner has cleared the dope test. Keeping in view the above factors, this Court is of the considered opinion that the subsequent developments have a material bearing on the facts, which are required to be examined at the hands of the Appellate Authority. Impugned appellate order, Annexure P-10, therefore, deserves to be set aside and the matter deserves to be sent back to respondent No.2 to decide it afresh.

6. Consequently, impugned appellate order, Annexure P-10, is quashed. Matter is remitted to respondent No.2 (Commissioner, Patiala Division, Patiala) to re-decide it in the light of the above-noticed subsequent developments, after hearing the counsel for the parties.
7. Writ petition is disposed of.
8. Parties are directed to appear before respondent No.2 on 18.06.2024 at 10:00 A.M.

03.04.2024
Kamal

(SUVIR SEHGAL)
JUDGE

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