



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21809-2023
Date of decision:-26.11.2024

Santokh Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr. J.S. Mundi, Advocate
for the petitioner.

Ms. Amrita Garg, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

1. Instant writ petition has been filed by the petitioner under Articles 226/227 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of certiorari for quashing orders dated 17.01.2023 and 23.08.2023, Annexures P5 and P7, respectively passed by the respondent – authorities whereby his firearm licence has been suspended and application for its renewal has been rejected.

2. A brief summary of facts leading to the filing of the petition are that petitioner possessed an arms licence bearing No.3743/DM/LDH/KHSD/June – 2007, which was renewed from time to time and was valid up to 28.05.2022. He applied for renewal of his



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licence by submitting online application, Annexure P2, on 21.06.2022, but the police authorities did not recommend the renewal of the arms licence on the ground that petitioner is named as an accused in an FIR No.98 dated 25.06.2022 for offences under Sections 341, 323, 186, 506, 34 IPC registered at Police Station Sadar, Khanna, District Ludhiana. On the basis of the said report, the licence was suspended and the application for renewal was rejected vide impugned order, Annexure P5. Petitioner remained unsuccessful in appeal, which was dismissed by the Appellate Authority vide order, Annexure P7. Assailing both the orders, Annexures P5 and P7, petitioner is before this Court.

3. Counsel for the petitioner asserts that the petitioner has been falsely implicated in the criminal case and he has approached this Court by filing a quashing petition (CRM-M-38938-2022), which is pending whereby vide order dated 07.02.2024, this Court has stayed the proceedings qua him. He urges that mere registration of an FIR cannot be a ground for suspension of firearm licence. Referring to Section 17 of the Arms Act, 1959, counsel has argued that in the absence of any adverse material, petitioner cannot be treated to be a threat to the general public or cannot be said to have breached public peace.

4. The petition has been contested by the respondents by filing a short reply wherein it has been submitted that it is not in the public interest to grant a firearm licence to the petitioner as there is an apprehension that the petitioner may cause public disturbance.



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

6. 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 before taking action under Section 17 of the Arms Act, 1959. 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



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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.”

7. It is, therefore, evident from the above reproduction that it is obligatory 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 or cancel 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 be sustained.

8. In view of above noted position, impugned orders, Annexures P-5 and P-7, are set aside. Matter is remitted to the licensing authority to decide the application for renewal afresh, after hearing the parties.

9. Writ petition is disposed of.

10. 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

26.11.2024
Brij

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No