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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5676-2022(O&M)

Date of Decision: 19.11.2025

Gurvinder Singh

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Rahul Jaswal, Advocate,
for the petitioner.

Mr. Chirag Wadhwa, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature *certiorari* for quashing the impugned order dated 10.09.2021 (Annexure P-4) passed by respondent No.2 and order dated 01.12.2020 (Annexure P-3) passed by respondent No.3 whereby the arms license of the petitioner has been cancelled/revoked.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was holding an arms licence of a revolver and had kept the aforesaid revolver in almirah. He submitted that the marriage of the petitioner was fixed for 17.05.2020. However, the brother-in-law of the petitioner, namely, Parvinder Singh, while getting ready on 16.05.2020 for



sangeet programme suffered an injury on his foot as the revolver was accidentally triggered. He submitted that the petitioner was holding a valid arms licence and had kept the revolver in an almirah but since it was an occasion of marriage, his brother-in-law accidentally injured himself with the said revolver and the fact that his brother-in-law got access to the aforesaid weapon was not within the knowledge of the petitioner and there is no lack of *bona fide* on the part of the petitioner. He further submitted that under Section 17 of the Arms Act, 1959, one of the grounds for revocation of arms licence is security of public peace and also in the impugned order the reason for cancellation of the licence was that it can cause breach of public peace, whereas the present is not a case of breach of public peace and therefore, the reasoning on the basis of which, the learned District Magistrate has cancelled the licence of the petitioner is erroneous and therefore, the impugned order is liable to be set aside. He also submitted that no FIR whatsoever has been registered in the present case since the revolver was triggered by accident. He further submitted that the Appellate Authority also affirmed the aforesaid order passed by the District Magistrate erroneously and therefore, both the orders passed by the licensing authority and the Appellate Authority are liable to be set aside.

3. On the other hand, Mr. Chirag Wadhwa, DAG, Haryana has submitted that the learned District Magistrate has rightly cancelled the licence of the petitioner because it was the duty of the petitioner to keep the revolver in a safe custody and if the same was used either accidentally or otherwise by another person namely, Parvinder singh who happens to be brother-in-law of the petitioner, who also got his foot injured with the



aforesaid revolver which would mean that the petitioner did not keep his weapon in a safe custody and therefore, he is unfit to possess the aforesaid weapon and in case his licence was not cancelled and he would have continued to retain the weapon, then there is a likelihood that it may have caused a breach of public peace in future and therefore, the District Magistrate while exercising his powers under Section 17 of the Arms Act has rightly cancelled the arms licence of the petitioner in view of condition No.10 of the License Form-III described under Arms Rules, 2016. He further submitted that on appeal the learned Commissioner, Karnal Division, Karnal has also rightly dismissed the appeal in the light of the aforesaid facts and circumstances.

4. I have heard the learned counsel for the parties.

5. Some of the facts of the present case are not in dispute. The petitioner was having a licensed revolver which according to the learned counsel for the petitioner was kept in an almirah in his house. The brother-in-law of the petitioner got himself injured on his foot by the aforesaid licensed revolver. The arms licence of the petitioner was cancelled by the District Magistrate on the basis of the report of the concerned police officer. A query was raised to the learned counsel for the petitioner as to how the weapon could have been fired unless it was kept loaded and if it was not kept loaded, then how it was loaded by the aforesaid Parvinder Singh who is the brother-in-law of the petitioner, to which he could not give any justifiable explanation except that it was only an accidental fire and no FIR was lodged in the present case. This Court is of the considered view that mere fact that the FIR was not lodged would not mean that the provisions for



cancellation of variation or revocation under Section 17 cannot be invoked. A perusal of the impugned order passed by the District Magistrate would show that the licence of the petitioner has been cancelled because it was observed that if the petitioner continue to hold his arms licence, it will not be good for public peace. Learned State counsel referred to the provisions of Section 17(3) (a) (b) and (d) of the Arms Act which are reproduced as under:-

“17 (3) The licensing authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence-

(a) if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

xxx-xxx-xxx-xxx

(d) if any of the conditions of the licence has been contravened; or”

xxx-xxx-xxx-xxx

6. Section 17(3) (a) of Arms Act provides that the licensing authority may revoke a licence if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act. Section 17(3) (b) provides that the licensing authority



may revoke a licence if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence and Section 17(3) (d) provides that the licensing authority may revoke a licence if any of the conditions of the licence has been contravened.

7. It was the case of the learned State counsel that the petitioner had not kept the revolver in a safe custody and it has been used by somebody else and therefore, there was a breach of condition No.10 of the License Form-III described under Arms Rules, 2016. Condition No.10 of the License Form-III described under Arms Rules is reproduced as under:-

“The licensee shall ensure to keep his firearm in his possession at a secured place under lock and key when such firearm is not carried on his person or not under his direct control. However, he shall not deposit any firearm or ammunition in any bank locker.”

8. This Court is of the considered view that when the licensing authority is to consider revocation/variation or suspension of a licence, the conditions contained under Section 17 of the Arms Act are required to be satisfied. Under Section 17(3)(a) of the Act, if the licensing authority has reason to believe that the licensee is unfit, the licence can be cancelled. In the present case, from the tenor of the impugned order passed by the District Magistrate, it is clear that it was within the wisdom of the licensing authority to have thought that considering the aforesaid facts and circumstances where the revolver of the petitioner was used by some other person who was his brother-in-law and who fired on his own foot, then the petitioner was not fit for holding a licence, although the word “unfit” was not expressly used in



the impugned order. The reason for the revocation of licence was that in future the petitioner may cause breach of peace and therefore, this Court cannot supplant its own opinion for the opinion of the District Magistrate based upon the police report and therefore, no perversity or illegality can be found in the impugned order passed by the District Magistrate.

9. Consequently, finding no merit in the present case, the same is hereby dismissed.

19.11.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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