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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-389-2025 (O&M)
Date of decision: 10.11.2025

Brijmohan Sharma

...Petitioner(s)

Versus

State of Haryana and Others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Ishita Arora, Advocate, for
Dr. Pankaj Nanhera, Advocate, for the petitioner.

Mr. Nitin Kaushal, Additional Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 16.10.2024 (Annexure P-9) passed by respondent No.2 vide which the appeal preferred by the petitioner has been dismissed and order dated 02.09.2021 (Annexure P-6) passed by respondent No.3, whereby the arms licence of the petitioner was refused to be renewed and was cancelled, with a further prayer to direct the respondents to provisionally restore and renew the arms licence of the petitioner.

2. Learned counsel appearing on behalf of the petitioner submitted that both the impugned orders which have been passed by the licensing authority as well as the appellate authority are liable to be set aside. While elaborating her arguments, she submitted that when the petitioner applied for



renewal of his arms licence, which was valid only till 07.02.2021, the same was cancelled and not renewed vide impugned order dated 02.09.2021 (Annexure P-6) by the Commissioner of Police, Faridabad on the ground that there are 2 FIRs registered against the petitioner, out of which one FIR is under Section 420 IPC and another FIR under Section 406, 506, 34 IPC but in none of the FIRs, there was involvement of any arms. She further submitted that a perusal of the impugned order (Annexure P-6) would show that it only refers to a report submitted by the Station House Officer, Police Station Sector-7, Faridabad wherein it has been mentioned that the petitioner was involved in the aforesaid two FIRs but there was no report pertaining to any apprehension that the petitioner will misuse the arms licence. She submitted that it is a settled law that mere pendency of an FIR and that too under Section 420 IPC or Sections 406, 506, 34 IPC itself cannot become a ground for cancellation or non-renewal of licence and satisfaction has to be recorded by the concerned authorities that there is an apprehension that the petitioner may misuse the licence, which did not find mention in the impugned order (Annexure P-6) passed by the Commissioner of Police, Faridabad and otherwise also, the aforesaid order is totally a non-speaking order and is therefore, liable to be set aside.

3. She further submitted that so far as the appellate order dated 16.10.2024 (Annexure P-9) passed by the Commissioner, Faridabad Division, Faridabad, whereby the appeal preferred by the petitioner was dismissed is concerned, the same is also a non-speaking order and mere pendency of an FIR would not become a ground for refusal to renew the licence as the same does not find mention in any of the grounds under the Arms Act. While further referring to the aforesaid order passed by the appellate authority, she submitted



that in the operative part of the order it has been concluded that the arms licensing authority while discharging its responsibilities under the provisions of Section 17(3) of the Arms Act, 1959, has passed an appropriate order and it has been mentioned that the petitioner has not been able to present any new evidence or argument. She further submitted that the aforesaid order is therefore, a non-speaking and cryptic order and the cancellation/non-renewal of arms licence was on non-existent grounds because mere pendency of an FIR, especially under Sections 420, 406, 506 and 34 IPC is no ground for non-renewal of arms licence and satisfaction with regard to any threat etc. has to be recorded.

4. On the other hand, Mr. Nitin Kaushal, Additional Advocate General, Haryana has submitted that he cannot controvert the aforesaid factual position on the basis of the aforesaid orders that non-renewal of the arms licence has been done only because of pendency of aforesaid two FIRs. He further submitted that as per the reply filed on behalf of the respondents, the trial of the aforesaid cases is going on and there is no conviction of the petitioner as of date.

5. I have heard the learned counsels for the parties and have also perused both the aforesaid impugned orders as well as the paper-book.

6. A perusal of the impugned order (Annexure P-6) passed by the licensing authority would show that it was only because of pendency of two FIRs i.e. one FIR under Section 420 IPC and another FIR under Sections 406, 506, 34 IPC that the licence of the petitioner has not been renewed and as per the learned State counsel, the trial of the aforesaid cases is still pending. Even otherwise also, both the impugned orders are totally non-speaking and there is



nothing in the aforesaid orders to suggest that some apprehension has been expressed either by the police or by anybody else to suggest that any of the grounds available for non-renewal exist under Section 17 of the Arms Act. In absence of any satisfaction being arrived at and being recorded that the petitioner may misuse the arms licence or any of the grounds being available, the aforesaid two orders are totally cryptic and non-speaking.

7. Consequently, the present petition is allowed. The impugned order dated 02.09.2021 (Annexure P-6) and order dated 16.10.2024 (Annexure P-9), are hereby set aside. The matter is remanded back to the licensing authority to pass a fresh order in accordance with law after due application of mind and uninfluenced by the earlier order passed vide Annexure P-6 as well as the present order passed by this Court. Needless to say, adequate opportunity of hearing shall be granted to the petitioner or his counsel and thereafter, a speaking order shall be passed. The entire exercise shall be completed within a period of three months from today.

(JASGURPREET SINGH PURI)
JUDGE

10.11.2025

rakesh

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