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

**CWP-5460-2022 (O&M)
Date of Decision:11.11.2025**

Nacchattar Singh Giri

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Anjali Sheoran, Advocate for the petitioner.

Mr. Nitin Kaushal, Addl. A.G. Haryana.

Mr. G.S. Dhillon, Advocate for respondent No.8.

JASGURPREET SINGH PURI J.(Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside the impugned orders dated 09.12.2021 (Annexure P-7) passed by the respondent No.2-Commissioner, Hisar Division, Hisar and order dated 09.03.2021 (Annexure P-3) passed by the respondent No.3-learned District Magistrate, Jind.

2. Learned counsel appearing on behalf of the petitioner submitted that in the present case respondents No.4 and 9 have already died and considering the nature of the subject matter of the present case, all the private respondents may be deleted from the array of the parties, as the relief has been claimed only against the respondent-State.

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3. Learned counsel for the petitioner submitted that the petitioner is aggrieved by the order passed by the Licensing Authority/District Magistrate, Jind, vide Annexure P-3 whereby the petitioner was directed to deposit his licensed weapon and his arms licence was cancelled, as well as by the order passed by the learned Appellate Authority vide Annexure P-7, whereby the appeal filed by the petitioner was dismissed. She further submitted that the petitioner, being the complainant, had lodged a complaint against certain private respondents and consequently, an FIR was registered against some of the private respondents, including private respondent No.4, who has since died. During the trial, the proceedings against respondent No.4 were abated on 15.2.2022, and the remaining accused respondents have since been acquitted. She submitted that the reason for the cancellation of the petitioner's arms licence was that a land dispute existed between the parties and now the main accused who is the Hardayal @ Giani-respondent No.4 who has since been deleted from the array of parties has died and there is no reason for any conflict between the parties. She submitted that even otherwise also, it is a settled law that mere pendency of an FIR itself cannot become a ground for non-renewal of arms licence or its cancellation. She further submitted that a perusal of the order passed by learned District Magistrate, Jind (Annexure P-3), would show that a report was called for from the concerned Deputy Inspector General of Police and Superintendent of Police, Jind, on the basis of which learned District Magistrate, Jind, passed the impugned order directing the petitioner to deposit his weapon and cancelling his arms licence, on the ground that there existed a land dispute and there

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was a likelihood of breach of peace. She also submitted that, in fact, the petitioner was in possession of a licensed weapon, namely a 12-bore gun, which was meant for the purpose of self-defence of the petitioner and mere existence of any land dispute between the parties should not have become a ground for cancellation of the licence. Therefore, on the aforesaid ground, the licence could not have been cancelled. She further submitted that, in any case, the dispute itself no longer exists, as respondent No. 4, Hardayal @ Giani, has already died, and the remaining accused have been acquitted.

4. She also contended that, on appeal being filed, the learned Appellate Authority has merely reiterated the reasoning given by the District Magistrate, Jind and no separate reasons have been mentioned in its order.

5. She further asserted that considering the aforesaid facts and circumstances and the fact that licensed weapon of the petitioner was for self-defence and unless any of the parameters of Section 17 of the Arms Act, are satisfied, the licence cannot be cancelled on mere ground that a land dispute exists between the parties.

6. On the other hand, learned State counsel submits that the reason for cancellation of the arms licence was that the weapon of the petitioner, though a licensed one, had been used in the commission of an offence. He submits that it is correct that respondent No. 4 has already died and consequently the trial against him has abated and later on even the remaining accused have been acquitted. He further submits that, in view of the pendency of the FIR against the petitioner at the relevant time and the existence of mutual enmity between the parties, the licence

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was rightly cancelled and therefore, the orders passed by learned District Magistrate, Jind and learned Appellate Authority are stated to be in accordance with law. He also submits, on instructions, that the incident on the basis of which the FIR was registered pertains to the year 2018 and that no untoward incident has been reported thereafter. He further submits that the State can always reassess the threat perception of the petitioner in the changed circumstances and pass a fresh order in this regard, if necessary.

7. I have heard the learned counsels for the parties.

8. An FIR was registered in 2018 pertaining to the aforesaid incident against the private respondents. As per learned State counsel, no such incident has occurred thereafter. According to learned counsels for the parties, respondent No.4 who was the main accused has already died and the remaining accused have been acquitted. The reason for cancellation of the licence was pendency of the aforesaid FIR and also a land dispute between the parties but due to the changed circumstances, the threat perception pertaining to the petitioner can now be reconsidered. It was the case of the learned counsel for the petitioner that the weapon was for the purpose of self-defence and the enmity no longer exists as criminal proceedings have now been terminated and also on account of the death of respondents No.4 and 9.

9. In view of the aforesaid facts and circumstances and considering the fact that the petitioner was in possession of a licensed weapon and that the purpose of grant of such licence to any citizen is for self-defence, this Court is of the considered view that it is a fit case



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where a fresh order is required to be passed by the learned District Magistrate, Jind, in light of the changed circumstances.

10. Consequently, for the reasons stated above, the present petition is allowed. Orders dated 09.03.2021 passed by the learned District Magistrate, Sangrur (Licensing Authority) and dated 09.12.2021 passed by the learned Commissioner, Hisar Division, Hisar (Appellate Authority) are hereby set aside. The matter is remanded to the learned District Magistrate, Jind (Licensing Authority), to pass a fresh order, in view of the changed circumstances, after duly considering the threat perception of the petitioner and examining whether, as on date, any fresh ground exists for the cancellation of the arms licence under Section 17 of the Arms Act, 1959.

11. Needless to say, a fresh order shall be passed within a period of four months from today, with a fresh application of mind and uninfluenced by the orders dated 09.12.2021 passed by the learned Commissioner, Hisar Division, Hisar (Appellate Authority), and 09.03.2021 passed by the learned District Magistrate, Jind (Licensing Authority), as well as by the present order of this Court, since this Court has not expressed any opinion on the merits of the case.

(JASGURPREET SINGH PURI)
JUDGE

11.11.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No