



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

204

CWP-5734-2024 (O&M)

Date of Decision:09.12.2025

Rajinder Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Arun Rana, Advocate for the petitioner.

Mr. Udit Garg, Addl. A.G. 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 of *certiorari* for quashing/setting aside the impugned order dated 04.11.2022 (Annexure P-9) and order dated 20.09.2023 (Annexure P-11) passed by the District Magistrate-cum-Deputy Commissioner, Kurukshetra and Divisional Commissioner (Ambala Division), respectively whereby the arms licence of the petitioner was revoked and he was directed to sell his weapons.

2. Learned counsel appearing on behalf of the petitioner, while referring to the impugned orders, submitted that the arms licence of the petitioner was not permitted to be renewed and was ultimately cancelled on the basis of registration of an FIR under Sections 186, 353, 332, 147, 148, 149 IPC and Section 3 of the PDPP Act at Police Station Parliament Street, New Delhi. He submitted that the aforesaid FIR was registered only because



the petitioner was participating in a peaceful protest and that the said FIR does not pertain any offence under the Arms Act nor there has been any incident of misuse of arms by the petitioner. He further submitted that the cancellation of the licence appeared to be motivated by personal vendetta against the petitioner and even otherwise also pendency of an FIR does not constitute a ground for cancellation of the arms licence. He further submitted that a perusal of the order passed by the appellate authority would show that the appellate authority itself recorded that the petitioner was unable to demonstrate any threat to his life, despite the fact that he had been living without a licence for about four years, whereas, in fact, the respondent-State through its police department ought to have assessed the threat perception of the petitioner and, therefore, the onus was upon the police and the State to have assessed the threat perception, which was not done in the present case and the entire onus was shifted upon the petitioner and therefore, the order which has been passed by the appellate authority is cryptic. He also submitted that the petitioner resides in a farmhouse and, therefore, requires a licence for the purpose of self-defence. He submitted that all the relevant issues have not been discussed by both the authorities and that the arms licence has been cancelled only on the basis of the pendency of one FIR, which by itself is not a ground for cancellation unless there is a conviction, whereas in the present case there is no conviction qua the petitioner.

3. On the other hand, learned State counsel was not able to controvert the aforesaid submissions made by learned counsel for the petitioner because it is not a case where the petitioner was convicted of any offence, nor does anything to that effect appear on the record from both the aforesaid orders. The mere pendency of an FIR, by itself, cannot constitute a



ground for cancellation or non-renewal of an arms licence, particularly where the alleged offence does not relate to the Arms Act.

4. After hearing learned counsels for the parties and perusing the impugned orders, this Court is of the considered view that both orders are cryptic and are not based upon the parameters for cancellation of an arms licence under the provisions of Section 17 of the Arms Act.

5. Consequently, the present writ petition is hereby allowed and order dated 04.11.2022 (Annexure P-9) passed by the District Magistrate-cum-Deputy Commissioner, Kurukshetra (Licensing Authority) and order dated 20.09.2023 (Annexure P-11) passed by the Divisional Commissioner, Ambala Division, Ambala Cantt. (Appellate Authority) are hereby set aside and the matter is remanded back to the District Magistrate-cum-Deputy Commissioner, Kurukshetra, to pass a fresh order in accordance with law after giving adequate opportunity of hearing to the petitioner or his counsel.

6. The fresh order shall be passed within a period of three months from today, with a fresh application of mind and uninfluenced by the order dated 04.11.2022 passed by District Magistrate-cum-Deputy Commissioner, Kurukshetra, order dated 20.09.2023 passed by Divisional Commissioner, Ambala Division, Ambala Cantt. and the present order passed by this Court, as this Court has not expressed any observation on the merits of the case.

(JASGURPREET SINGH PURI)
JUDGE

09.12.2025

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