

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2025:PHHC:045546



**CWP-8976-2024 (O&M)
DATE OF DECISION : 01.04.2025**

SURENDER SINGH

... PETITIONER

V/S

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Surinder Gaur, Advocate for the petitioner.

Mr. Sumit Gupta, Addl. A.G., Haryana.

* * *

LAPITA BANERJI, J. (ORAL)

1. Challenge in this writ petition is to the inaction/ommission on the part of the respondent No.3-The Deputy Commissioner of Police (Headquarter), Jhajjar, Haryana in not re-registering the arms licence of the petitioner at his new place of residence.

2. Learned counsel for the petitioner submits that the application on requisite format was made on SARAL portal on February 21, 2023 (Annexure P-4). Under Rule 17(2) of the Arms Rules, 2016, the licensing authority of the new place of residence was under an obligation to re-register the same within 15 days from the date of the application upon the Unique Identification No. (UIN) of the licensee being activated at the new place of residence. The licence being transferred within its jurisdiction, the old record of the original licencing authority or the last renewing authority was

required to be re-activated. Thereafter, the new licence Book was required to be issued to the petitioner-licensee by the new authority.

3. Learned State counsel appears and submits that the respondent No.3 did not re-register the arms licence of the petitioner since FIR No. 1195 dated December 07, 2015 under Sections 323, 325, 34 IPC P.S. Jhajjar and FIR No.1012 dated November 06, 2016 under Sections 409, 411, 120-B IPC P.S. Jhajjar are pending against the petitioner. Though in FIR No. 1195 dated December 07, 2015, the petitioner was acquitted but in FIR No. 1012 dated November 06, 2016, the petitioner is facing trial. Therefore, the arms license of the petitioner was not re-registered.

4. Learned counsel appearing for the State-respondents submits that since the FIR is pending, the authorities have correctly not registered the arms licence of the petitioner.

5. Learned counsel for the petitioner places reliance on the judgments of the Co-ordinate Benches 1) dated January 25, 2018 passed in CWP-5401-2017 '**Major Singh Vs. State of Punjab and others**', 2018(185) AIC 855; CWP-19478-2016 '**Balwinder Singh Vs. State of Punjab and others**', 2019(4) R.C.R. (Criminal) 960 and dated August 03, 2021 passed in '**Brijesh Kumar Vs. State of Haryana and others**' 2021 (4) R.C.R (Civil) 47 and submits that registration of FIR cannot be a ground for revocation or non-renewal of the arms licence of the petitioner.

6. This Court has heard the learned counsel for the parties and perused the material on record.

7. It is clear that the last renewal was made on October 19, 2023 and the same was valid upto October 18, 2025. Therefore, at present there was no reason to refuse re-registration of the petitioner's arms licence by

citing the pendency of FIR No. 1012 dated November 06, 2016. Furthermore, the verification report dated October 20, 2023 by the District Magistrate, Kishtwar (Annexure P-6) also clearly recorded “no objection” to the arms licence of the petitioner being renewed or entered into the office record of respondent No.2-District Magistrate, Jhajjar (Haryana).

8. To the mind of this Court, no reason at all has been given in the status report filed pursuant to the order dated December 10, 2024 as to why despite the said “no objection” by the District Magistrate, Kishtwar (J&K), the arms licence of the petitioner was not re-registered by the new licensing authority.

9. Therefore, the respondent No.3 is directed to pass an appropriate order for re-registering the arms licence of the petitioner, in accordance with law within a period of 15 days from the date of the receipt of this order.

10. With the directions aforesaid, CWP-8976-2024 is **disposed of**.

11. Connected applications, if any, are also accordingly disposed of.

01.04.2025

Janki

(LAPITA BANERJI)
JUDGE

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