



202
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16174-2019(O&M)
Date of Decision: 18.11.2025

Harjit Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kehar Singh Hissowal, Advocate,
for the petitioner.

Ms. Shruti, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 04.12.2017 (Annexure P-5) passed by respondent No.3 and order dated 24.04.2018 (Annexure P-6) passed by respondent No.2.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner moved an application before the licensing authority i.e. Additional District Magistrate, Sangrur for renewal of his licence and by way of the impugned order (Annexure P-5), his licence has been cancelled. He submitted that earlier the petitioner was involved in three FIRs but he was acquitted in all the FIRs and the judgments of acquittal have already



attained finality and all these aspects and factual position have been mentioned in the aforesaid impugned order passed by Additional District Magistrate, Sangrur. He submitted that in this way, when the aforesaid impugned order (Annexure P-5) was passed, the petitioner already stood acquitted in all the aforesaid FIRs but the licensing authority has cancelled the arms licence of the petitioner only on the basis of the report of the Senior Superintendent of Police and by observing that the FIRs were pertaining to physical assault and fight and that the petitioner can misuse his weapon at any point of time in a fit of rage and can disturb peace. He submitted that once the petitioner has been acquitted then the licensing authority could not have made such an observation that he has used arms for physical assault and fight. He further submitted that the reasoning which is given by the licensing authority that the petitioner can misuse his weapon at any point of time in a fit of rage and can disturb peace is not based upon any material facts. It is not a case where the petitioner thereafter has even misused his weapon at any point of time and more than 10 years have elapsed, the petitioner has never misused the weapon at any point of time and therefore, there was no material on the basis of which the licensing authority has passed the aforesaid impugned order and the same has been passed in a whimsical manner.

4. Learned counsel also referred to the provisions of Section 17 of the Arms Act, 1959, which provide for revocation/cancellation of the arms licence and submitted that none of the grounds contained therein stand fulfilled. He submitted that the reason which has been given by the licensing authority that the petitioner can become angry and can disturb peace is no



ground for cancellation. He further submitted that such a ground was also taken in the reply which has been filed by the respondents and the aforesaid provisions of Section 17 of the Act does not provide for any such ground that in case a person becomes angry then his licence is to be cancelled. He submitted that when the petitioner filed an appeal before the appellate authority i.e. the Commissioner, Patiala Division, Patiala, then the Commissioner only reaffirmed the order passed by the licensing authority without giving his own independent reasons and therefore, both the orders are liable to be set aside.

5. On the other hand, Ms. Shruti, AAG, Punjab while referring to the reply filed on behalf of the respondents submitted that although the petitioner was acquitted in all the cases pending against him at the time of passing of the order by the licensing authority but his arms licence has been cancelled on the ground that there is a likelihood that he may disturb the peace and that was the reason as to why the arms licence of the petitioner was cancelled.

6. I have heard the learned counsels for the parties and perused both the aforesaid impugned orders as well as the reply filed by the respondents.

7. In the reply, the respondent-State has taken up a ground that since the petitioner is likely to become angry and he may misuse the weapon, his arms licence has been cancelled. This Court is of the considered view that such a ground cannot become a reason for cancellation of licence as same can only be done by the licensing authority within the parameters of law. Section 17 of the Arms Act provides for the condition and



circumstances under which variation, suspension and revocation of licences can be done. Relevant portion of Section 17 of the Arms Act is 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

(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for it; or

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

(e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence”

xxx

xxx

xxx

8. A perusal of the impugned order (Annexure P-5) passed by the licensing authority would show that the same is basically passed on the basis of the report of the Senior Superintendent of Police, which is so reflected in the order itself. So far as the observation of the licensing authority that the petitioner may in a fit of rage, disturb public peace is concerned, there is no material shown in the record as to whether the petitioner has thereafter



misused the weapon or not. The aforesaid apprehension of anger or rage itself cannot not become a ground for cancellation of license under the parameters of Section 17 of the Arms Act. It was further observed by the licensing authority that the FIRs are pertaining to physical assault and fight, whereas it was an admitted case which is so reflected in the impugned order itself that the petitioner had already been acquitted in all the FIRs against him and according to the learned counsel for the petitioner, the judgments of acquittal have since attained finality and therefore, the observation so made by the licensing authority appears to be perverse in nature.

9. In view of the aforesaid facts and circumstances, the present petition is allowed. Both the impugned orders i.e. Annexure P-5 and Annexure P-6 are hereby set aside. The matter is remanded back to the licensing authority to consider and decide the application of the petitioner for renewal of arms licence, in accordance with law and within the parameters of the statutory provisions of the Arms Act. It is made clear that the fresh order shall be passed with due application of mind and on the basis of material on record and also uninfluenced by the earlier order passed vide Annexure P-5 as well as the present order passed by this Court. The fresh order shall be passed by the licensing authority after giving adequate opportunity of hearing to the petitioner or his counsel and the same shall be passed within a period of three months from today. It is made clear that there is no observation on merits made by this Court in this order.

18.11.2025*rakesh***(JASGURPREET SINGH PURI)****JUDGE**

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No