



CWP-16509-2021

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

**CWP-16509-2021
Date of Decision: 04.11.2025**

Sanjeev Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. U.K. Agnihotri, Advocate &
Mr. A.K. Agnihotri Advocate for the petitioner.

Mr. Nitin Kaushal, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ 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 26.07.2019 passed by respondent No.2 vide Annexure P-6 dismissing the appeal against impugned order dated 04.02.2019 passed by respondent No.3 (Annexure P-4) whereby the Arms Licence of the petitioner has been cancelled with a further prayer to direct the respondent authorities to renew the arms licence of the petitioner.

2. Mr. U.K. Agnihotri, learned counsel for the petitioner, while giving the facts of the case, submitted that inadvertently the impugned order (Annexure P-6) has been wrongly translated and therefore, vernacular part of the same may be considered. He further submitted that the petitioner was holding a valid arms licence of double barrel point 12 bore gun which was

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renewed up to 03.06.2014. However, one FIR was lodged against the petitioner and other co-accused wherein the allegation was that the aforesaid gun of the petitioner was used in the offence. He also submitted that the allegation against the petitioner in the FIR which was lodged initially was pertaining to Section 307 IPC but thereafter, it got converted into Section 302 IPC as a complaint was given by one Naveen that the petitioner had committed murder of one Rinku, who was a Guard of Bharat Benz Vehicle Show Room, Sonapat. Thereafter, the petitioner has since been acquitted in the aforesaid FIR and the State has not filed any appeal before the High Court for assailing the aforesaid judgment of acquittal. He further submitted that once the petitioner has been acquitted by learned Sessions Court in the aforesaid FIR, the aforesaid FIR could not have become a ground for non-renewal of the licence. He submitted that similarly when an appeal was filed by the petitioner before the learned Appellate Authority, the same has also been dismissed on the same ground which was so stated by the learned District Magistrate, Sonapat, who was the Licensing Authority.

3. He also referred to the Forensic Report (Annexure P-8) and submitted that there was no observation pertaining to any hole formed by a gun shot being found on the clothes of the deceased and therefore, it cannot be said that the gun was used in the aforesaid offence. As per the medical report, there was an injury stated to be on the chest but the same was not a gun shot injury and therefore, the gun was not used in the aforesaid offence and consequently, the aforesaid could not have become a ground for non-renewal of licence.

4. On the other hand, Mr. Nitin Kaushal, learned Addl. AG, Haryana, while referring to the aforesaid order passed by the Licensing

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Authority has submitted that the learned Licensing Authority has rightly cancelled the licence of the petitioner after referring to the order of acquittal. While further referring to the aforesaid order, he submitted that the learned District Magistrate has considered the observations of the learned Sessions Court vide which although the petitioner was acquitted but observation was made in Para No.135 that the licensed gun of the petitioner, who was the only accused, was involved in the incident and once an observation has come in a judicial order passed in a criminal trial whereby although the petitioner was acquitted, but it would not mean that the licensed weapon of the petitioner was not involved in the offence. He also submitted that so far as the argument raised by learned counsel for the petitioner that no hole formed by a gun shot has been found on the clothes of the deceased in the FSL report is concerned, the same is also irrelevant and insignificant in view of the fact that testimony of the medical officer which has been reproduced in Para No.68 of the judgment of acquittal whereby the medical officer has specifically stated while referring to the Postmortem Report that the firearm ammunition entry wound of oval shape was found.

5. He further submitted that whatever arguments that are raised by learned counsel for the petitioner with regard to non-involvement of the weapon are contrary to the finding of the learned Sessions Judge, Sonapat and the same cannot be reopened at this stage at the time of consideration of the issue pertaining to renewal or non-renewal of the arms licence. He submitted that the relevant portion of the conditions of the arms licence have also been reproduced in the impugned order passed by the District Magistrate whereby one of the conditions is that the licensee shall ensure to keep his firearm in his possession at a secured place under lock and key

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when such firearm is not carried on his person or not under his direct control. He submitted that in this way evidently the weapon which was a licensed weapon was involved in the offence but on various other grounds the petitioner has been acquitted and therefore, the findings recorded by the learned District Magistrate and upheld by the Appellate Authority are judicial findings based upon the reasons and hence, the present petition is liable to be dismissed.

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

7. The petitioner was stated to be involved in an FIR under Section 302 IPC but thereafter, he has been acquitted by the learned Sessions Court vide Annexure P-7. As per testimony of the medical officer, there was a wound of firearm on the body of the deceased. A categorical finding has come in Para No.135 of the aforesaid judgment of acquittal which is reproduced as under:-

“135. Thirdly, the subsequent conduct of the accused, who had alleged failed to report on duty on 01.08.2013, epso-facto is not such a grave conduct, which indicates towards the involvement of the accused in the commission of crime. Since the licenced gun of the accused was involved in the incident, definitely he must have been in a trauma and could not report on duty on next day of incident.”

8. Various reasons have been stated in the aforesaid judgment passed by learned Sessions Judge while acquitting the petitioner that he cannot be acquitted merely on the basis of suspicion and the degree of proof was beyond reasonable doubt. However, at the same time, vide Para No.135 of the judgment, a categorical observation made by learned Sessions Judge

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was that the licensed gun of the petitioner was used in the offence. Learned District Magistrate, who is the Licensing Authority, on the aforesaid reason and also considering the conditions No.9 & 10 which have been reproduced in the impugned order did not deem it fit to renew the arms licence and rather cancelled the licence of the petitioner because his licensed firearm was used in the offence which could have been used by someone else. It is not the case of the learned counsel for the petitioner that the aforesaid firearm was used as self defence but it was the case of the learned counsel for the petitioner that the firearm was not used in the offence which is contrary to the observation made in the aforesaid judgment passed by the learned Sessions Judge. Had it been the case that the firearm was used for securing his life or in self defence, then the situation would have been different but once the firearm has been used which is so proved on record and an observation has also come in the judgment passed by the learned Sessions Judge, then the mere fact that the petitioner has been acquitted would not mean that the licensing authority was precluded from cancelling the licence on the aforesaid issue. When the appeal was filed before the learned Appellate Authority, the Appellate Authority has affirmed the findings of the learned Licensing Authority.

9. This Court is of the considered view that as to whether the petitioner in the aforesaid circumstances should have been granted arms licence or not lies within the wisdom of the Licensing Authority although the power has to be exercised in a reasonable manner and not in an arbitrary manner. Considering the aforesaid facts and circumstances, this Court is of the view that no illegality or perversity can be found in the order passed by the Licensing Authority or Appellate Authority. Therefore, this Court does

not deem it fit and proper to interfere in the findings of both the authorities
i.e. the Appellate Authority and the Licensing Authority.

10. Consequently, finding no merit in the present petition, the same
is hereby dismissed.

04.11.2025

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No