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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3364-2018(O&M)
Date of Decision: 04.12.2025

BHUPINDER SINGH GREWAL

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.P.S. Duggal, Advocate,
for the petitioner.

Ms. Shruti, AAG, Punjab.

Mr. Ravi Sodhi, Senior Advocate with
Mr. Arshal Ali, Senior Government Counsel,
Mr. Umesh Pandey, Advocate,
for respondent No.3-UOI.

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 setting aside the order dated 07.09.2017 (Annexure P-5) passed by Additional District Magistrate, Ludhiana, whereby the arms licence of the petitioner has been cancelled.

2. Learned counsel for the petitioner submitted that the petitioner is aggrieved by the order dated 07.09.2017 (Annexure P-5) passed by the licensing authority, whereby his application for grant/renewal of arms licence has been dismissed. He submitted that the petitioner was earlier a



citizen of India but thereafter, he migrated to Canada and acquired Canadian citizenship in the year 2001 and thereafter, he became Overseas Citizen of India (OCI) in the year 2012. He submitted that since the petitioner is now an Overseas Citizen of India (OCI), he is entitled to retain the arms licence which he previously held as a citizen of India. He further submitted that by way of the aforesaid order, he has been refused the aforesaid licence under Section 13(3)(a) (i) of the Arms Act only on the ground that the petitioner is not a citizen of India.

3. Learned counsel submitted that although Section 13(3)(a) (i) of the Arms Act provides that the licence can be granted to a citizen of India but the petitioner is also a citizen of India because he is an Overseas Citizen of India and same benefit has to be granted to the petitioner being Overseas Citizen of India and therefore, the impugned order is liable to be set aside and a direction be issued to the respondents to consider the application of the petitioner for grant/renewal of arms licence.

4. On the other hand, Ms. Shruti, learned Assistant Advocate General, Punjab and Mr. Ravi Sodhi, learned Senior Counsel for Union of India have opposed the prayer of the petitioner in this regard. They submitted that under the provisions of Section 13(3) of the Arms Act, which relate to grant of licences, it is so provided that the licensing authority shall grant a licence under Section 13(3) where a licence is required by a citizen of India in respect of a smooth bore gun having a barrel of not less than twenty inches in length to be used for protection or sport or in respect of a muzzle loading gun to be used for *bona fide* crop protection. They submitted that since the petitioner is not a citizen of India and has relinquished Indian



citizenship in order to obtain citizenship of another country i.e Canada, he does not satisfy the conditions of Section 13(3)(a) (i) of the Arms Act and therefore, he is not entitled for grant of arms licence. So far as the issue of the petitioner being an OCI is concerned, there is no dispute that the petitioner is an OCI but an OCI does not fall within the definition of a 'citizen of India' in the aforesaid provision and therefore, the present petition is liable to be dismissed.

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

6. The only issue involved in the present case is as to whether whether an OCI will also fall in the category of citizen of India for the purpose of grant of an arms licence or not. The relevant portion of Section 13(3) of the Arms Act is reproduced as under:-

xxx-xxx-xxx-xxx

“Section 13(3)The licensing authority shall grant:

(a) a licence under section 3 where the licence is required:

(i) by a citizen of India in respect of a smooth-bore gun having a barrel of not less than twenty inches in length, to be used for protection or sport or in respect of a muzzle-loading gun, to be used for bona fide crop protection;

Provided that where having regard to the circumstances of any case, the licensing authority is satisfied that a muzzle loading gun will not be sufficient for crop protection, the licensing authority may grant a licence in respect of any other smooth bore gun as aforesaid for such protection.

xxx-xxx-xxx-xxx

7. The petitioner was earlier a citizen of India and was having an arms licence. Thereafter, he migrated to Canada after relinquishing his



Indian citizenship and became a Canadian citizen but thereafter, he also obtained Overseas Citizenship of India (OCI) in the year 2012. This Court had put a query to the learned counsel for the petitioner as to whether there exists any statutory provision, rule, or instruction under which an OCI can be included and treated at par with a citizen of India for the purpose of considering the grant or non-grant of an arms licence to which he referred to some instructions issued by Joint Secretary, Government of India, which have been reproduced from page No.10 to 13 of the paper-book and while referring to Clause 14(vi), he submitted that with regard to an OCI, it has been so provided by way of instructions that those who are in the category of family heirloom, they can be considered for grant of arms licence. However, so far as the present petition is concerned, he is not falling in the category of family heirloom policy. No other statutory provision, rule, regulation or instruction has been shown to this Court as to how the petitioner as an OCI can be treated as a citizen of India for the purpose of grant of arms licence.

8. In view of the aforesaid facts and circumstances, this Court is of the considered view that there is no illegality or perversity in the order dated 07.09.2017 (Annexure P-5) passed by Additional District Magistrate, Ludhiana.

9. Consequently, the present petition is dismissed.

04.12.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking
Whether reportable

: Yes/No
: Yes/No