



CWP-23720-2019 (O&M) 1

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

**CWP-23720-2019 (O&M)
Date of Decision:17.11.2025**

Surjit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rishabh Garg, Advocate for
Mr. Aayush Gupta, Advocate for the petitioner.

Mr. Raghav Goel, Asst. A.G. Punjab.

JASGURPREET SINGH PURI J.(Oral)

1. The present writ petition has been filed under Articles 226 and 227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* to set aside the impugned orders dated 15.01.2019 passed by respondent No.2 (Annexure P-6), whereby the petitioner's application for renewal of his licence was rejected and order dated 24.04.2019 passed by respondent No.1 (Annexure P-8), whereby the appeal filed by the petitioner was dismissed.

2. Learned counsel for the petitioner submitted that the petitioner was a partner in the security agency and he is governed by the Private Security Agencies (Regulation) Act, 2005 (hereinafter referred to as 'PSAR Act') for the purpose of holding a private security agency licence. He further submitted that he was earlier a partner with one Prem

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Chand Sharma, who held the private security agency licence, but thereafter the entire business was handed over to the petitioner. He submitted that the licence was valid till 25.03.2015 and the petitioner had thereafter applied for its renewal. However, by way of the impugned order, renewal application of the petitioner was rejected and his licence was cancelled and not renewed. Learned counsel also submitted that the present case is not for issuance of a fresh licence, rather it is for renewal of the existing licence. He submitted that as per Section 6 of the PSAR Act, which is with regard to persons not eligible for licence, a person shall not be considered for issuance of a licence if he has been convicted by a competent Court for an offence, the prescribed punishment for which is imprisonment of not less than two years. He further submitted that there is no doubt that the petitioner was convicted for an offence for more than two years, however, since it was not a case for issuance of a licence but for renewal of existing licence, the impugned orders are liable to be set aside.

3. On the other hand, learned State counsel, on the basis of reply filed by respondent-State, submitted that the petitioner failed to get the licence renewed 45 days prior to the date of expiry, i.e., 25.03.2015, which was required under Section 8 of the PSAR Act. He further submitted that due to aforesaid delay, the renewal application was treated as an application for issuance of a fresh licence and since the petitioner was convicted for an offence for more than two years, which is not in dispute, he was rendered ineligible for the licence under Section 6 of the PSAR Act. He also submitted that the mere fact that sentence of the petitioner has been suspended will not have any effect upon the

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conviction because it was not the case of the petitioner that his conviction has been set aside.

4. During the course of arguments, this Court had put a specific query to learned counsel for the State seeking clarification as to whether the submissions presently advanced by learned State counsel as also reflected in the reply-affidavit filed by the State were encapsulated in the impugned orders passed by the licensing authority and the appellate authority or not, to which he could not reply. However, a perusal of the aforesaid impugned orders would show that the only ground assigned for rejecting the petitioner's case was that he had been convicted for a period of more than two years. The additional contentions now taken up in the reply-affidavit and the submissions advanced by learned State counsel do not find any mention in the impugned orders.

5. After hearing learned counsel for the parties and perusing the impugned orders, this Court is of the considered view that both the said orders are liable to be set aside, as they appear to have been passed without proper application of mind. The respondent-State cannot raise fresh grounds at this stage which were neither discussed nor reflected in the orders under challenge.

6. This Court is further of the view that the matter deserves to be remitted to the competent licensing authority for passing a fresh order.

7. Consequently, the present petition is hereby allowed. Both the impugned orders i.e., order dated 15.01.2019 passed by respondent No.2 (Licensing Authority) and order dated 24.04.2019 passed by respondent No.1 (Appellate Authority), are hereby set aside. The matter is remanded back to respondent No. 2-Licensing Authority, to reconsider the

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petitioner's grievance and pass a reasoned order afresh in accordance with law.

8. 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 15.01.2019 passed by respondent No.2 (Licensing Authority) and order dated 24.04.2019 passed by respondent No.1 (Appellate Authority) and the present order passed by this Court.

9. Needless to say, a speaking order shall be passed in accordance with law and after giving adequate opportunity of hearing to petitioner or his counsel.

(JASGURPREET SINGH PURI)
JUDGE

17.11.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No