

2025:PHHC:064444



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

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CWP-20163-2024 (O & M)
Date of decision: 14.05.2025

Gurbakhash Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sarwan Singh Sabar, Advocate, for the petitioner.

Mr. Amarpeet Singh Bains, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Learned counsel submits that arms licence has not been renewed only on account of the petitioner having been convicted and sentenced to undergo imprisonment for 3 years and pay fine of Rs.30000/- under NDPS Act, appeal being CRA-S-2521-2022 against which is pending wherein his sentence has been suspended on 10.08.2023. Reference is made to the order dated 27.07.2023, Annexure P-1, as also the order passed by the Appellate Authority on 22.05.2024, Annexure P-2, wherein though the contention of the petitioner has been specifically noticed, there being an enmity of two groups of *Nihangs* and he being in that of Baba Surjit Singh and that due to old enmity, the other group can cause physical harm to him, thus, he is in the dire need of the weapon for his own security and that of his family, which has also not been dealt with in the said order. Reliance is further placed on the judgment of this Court in the case of **Anwar Khan vs. State of Haryana and others**, 2023(1)

RCR (Civil) 906, wherein sentence awarded to the petitioner was 10 years under Sections 498-A and 304-B IPC, it has been held that conviction in a criminal case may be a matter for consideration, but not the sole ground as finding on threat to the security of public peace and public safety, in case licence is allowed to be in the hands of such persons, has also to be recorded. Further reference is also made to report of SSP, Mansa, dated 14.09.2022, Annexure P-4, as per which there has been no misuse of weapon at the hands of the petitioner. Thus, the impugned orders are non-speaking and cryptic and prays for re-consideration of the matter.

2. The aforesaid facts having been brought out, during the course of hearing, learned State counsel, on instructions, states that the Appellate Authority would not be averse to have a relook at the matter and decide afresh, taking note of the aforesaid submissions and judgment, within a period of 2 months, uninfluenced by the order impugned in the present case, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.

3. The aforesaid satisfies the learned counsel for the petitioner.

4. The matter stands disposed of accordingly and if the petitioner is found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same may be passed after granting opportunity of hearing to him and shall contain reasons, whereupon he shall be free to seek legal redress thereupon.

14.05.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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