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

CWP-26195-2023

Date of decision: 23.09.2025

GAURAV GOYAL

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

Ms. Shruti, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for setting aside the order dated 29.08.2022 (Annexure P-3), whereby the arms licence of the petitioner has been cancelled and order dated 16.08.2023 (Annexure P-4), whereby the appeal filed by the petitioner against the order dated 29.08.2022 has been dismissed, with a further prayer to direct respondent No.3 to renew the arms licence of the petitioner.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner applied for renewal of his arms licence since he was already having arms licence earlier but due to pendency of an FIR registered against him under Sections 26, 29, 61 and 85 of the NDPS Act, regarding which even



the trial is also pending, the Additional District Magistrate, Sangrur vide order dated 29.08.2022 (Annexure P-3) declined to renew the arms licence of the petitioner. He further submitted that mere pendency of an FIR or the trial itself cannot become a ground for not granting licence or revocation or non-renewal of licence. He further submitted that the petitioner is a Chemist and was falsely implicated in the aforesaid FIR under the NDPS Act. He further submitted that when the petitioner filed an appeal before the Divisional Commissioner, Patiala Division, Patiala, challenging the aforesaid order dated 29.08.2022 passed by the Additional District Magistrate, Sangrur, then the Divisional Commissioner, Patiala Division, Patiala, vide order dated 16.08.2023 (Annexure P-4) dismissed the appeal without giving any reasons and only affirmed the order passed by the licensing authority, which was under challenge. He also submitted that the observation made by the Divisional Commissioner, Patiala Division, Patiala that keeping the weapon in the hands of the petitioner is not safe in the public interest is neither backed by any material nor reflected in the order passed by the licensing authority and therefore, the aforesaid order passed by the appellate authority is absolutely a non-speaking and cryptic.

3. On the other hand, Ms. Shruti, AAG, Punjab could not controvert the aforesaid arguments raised by the learned counsel for the petitioner that the order passed by the Divisional Commissioner, Patiala Division, Patiala is not backed by any cogent reason especially in view of the fact that mere pendency of an FIR would not itself become a ground for rejection of the arms licence unless the grounds mentioned in Section 17 or any other provisions of the Arms Act are fulfilled.



4. After hearing the learned counsels for the parties and perusing the order passed by the appellate authority, the present petition is partly allowed. The impugned order dated 16.08.2023 (Annexure P-4) passed by the Divisional Commissioner, Patiala Division, Patiala, is hereby set aside. The matter is remanded back to the Divisional Commissioner, Patiala Division, Patiala to pass a fresh order strictly in accordance with law, after taking into account the relevant provisions of the Arms Act and considering whether mere pendency of an FIR or trial can become a ground for rejection of arms licence unless it is so proved on record that such pendency will have an adverse effect on the public interest or public safety. The Divisional Commissioner, Patiala Division, Patiala shall pass a fresh order by fresh application of mind and uninfluenced by the earlier order passed vide Annexure P-4 as well as the present order passed by this Court. Needless to say, adequate opportunity of hearing shall be granted to the petitioner or his counsel and thereafter, a speaking order shall be passed. The entire exercise shall be completed within a period of four months from today.

23.09.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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