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

**CWP-24152-2023 (O&M)
Date of Decision:23.07.2025**

Anil @ Kale Shah

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rajesh Goyal, Advocate for the petitioner.

Mr. Nitin Kaushal, Addl. A.G. Haryana.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226 and 227 of the Constitution of India, seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 12.04.2021 (Annexure P-2), whereby the petitioner's pistol license was cancelled by the District Magistrate, Panipat and for quashing the appellate order dated 04.03.2022 (Annexure P-4), whereby the appeal was dismissed by the learned Divisional Commissioner, Karnal

2. Learned counsel appearing on behalf of the petitioner submitted that this is a case where the petitioner has challenged the order dated 12.04.2021 passed by the District Magistrate, Panipat (Annexure P-2)



whereby the arms licence of the petitioner was cancelled and also the appellate order passed by the learned Divisional Commissioner, Karnal, vide Annexure P-4, whereby the petitioner's appeal was dismissed.

3. While giving the brief facts of the present case, learned counsel for the petitioner submitted that the petitioner was holding a valid arms licence and one FIR bearing No. 740 dated 30.08.2020 was registered against him at Police Station, Model Town, Panipat vide Annexure P-1, in which the allegations were pertaining to some other co-accused as well and so far as the allegations against the petitioner were concerned, it was alleged that he had directly fired towards the brother of the complainant which hit him directly on his head and he was injured. He submitted that the aforesaid allegations were false because there was no injury on head and that is why Section 307 of IPC was later on deleted and only Section 285 of IPC was added. He further submitted that the allegations against the petitioner were with regard to the firing from the licensed weapon and therefore the pendency of the FIR itself cannot become a ground for cancellation of the arms licence. He further submitted that the reason for cancellation of the arms licence of the petitioner, which has been given by the District Magistrate, Panipat vide Annexure P-2, was that the aforesaid FIR was registered against him and it was a case of keeping the arms license in a negligent manner. He submitted that such a ground is not available under the provisions of the Arms Act and therefore on the aforesaid basis, the arms licence of the petitioner could not have been cancelled. He further submitted that the learned Appellate Court has also not applied its mind properly and has dismissed the appeal erroneously.



4. He further submitted that the respondent-State, in its reply, had also so stated that the petitioner was convicted in another offence under Section 216 of IPC and was sentenced to undergo imprisonment for seven years on 12.05.2022 and therefore, by virtue of the provisions of Section 9(1)(a)(ii) of the Arms Act, he was not qualified for holding an arms licence for a period of five years after the expiration of the sentence. He also submitted that the aforesaid reason which has been stated in the reply does not form a basis for passing of the impugned order and therefore the respondent-State could not have relied upon the aforesaid provision of Section 9(1)(a)(ii) of the Arms Act, although it is not in dispute that the petitioner was convicted in another FIR bearing No.372 dated 20.12.2020 under Sections 148, 149, 307, 302 and 120-B of IPC and Section 25/54/59 of Arms Act, registered at Police Station Sector 13-17, Panipat and therefore the impugned orders are liable to be set aside.

5. Learned counsel for the petitioner further raised an argument by submitting and referring to Annexure P-5, wherein in another case pertaining to a different individual, who had also filed an appeal against the cancellation of his arms licence and the learned Divisional Commissioner, Karnal had allowed the appeal on the ground that the criminal trial was still pending. Although the aforesaid person was also charged under Section 285 of the IPC, the appeal was allowed and therefore the petitioner could not have been discriminated at the time of hearing and deciding his appeal. Learned counsel for the petitioner cited the judgment of this Court in ***Dharamdev Arya vs. State of Haryana and others***, CWP No. 33095 of 2019, decided on 27.02.2020, as well as another judgment of Allahabad



High Court in *Surya Bhanu Pandey vs. State of U.P. and others*, **Misc.Single No.2373 of 1992** decided on 04.02.2011, to contend that mere pendency of an FIR is not a valid ground for cancellation of an arms licence.

6. On the other hand, learned State counsel, while referring to the reply filed by the respondent-State, submitted that it is a case where a perusal of the impugned order passed by the District Magistrate, Panipat, would show that it is not only on the ground of pendency of the FIR that the licence of the petitioner was cancelled but even the operative part of the impugned order would show that the petitioner had been negligent in keeping the licensed weapon and he was not able to keep the weapon safely and that an untoward incident cannot be ruled out in future and therefore it was not appropriate to continue his arms licence in public interest. He submitted that the arms licence was cancelled keeping in view the provision of Section 17(3)(b) of the Arms Act, which provides that if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence, the same can be suspended or revoked. He further submitted that based on the satisfaction of the learned District Magistrate, Panipat and by virtue of the provisions of Section 17(3)(b) of the Arms Act, it was considered fit by the District Magistrate, Panipat, that for maintaining public peace and security and due to the apprehension that the petitioner might repeat such a firing incident, the licence was cancelled and that itself is a valid ground for cancellation of the licence. Therefore, the argument raised by learned counsel for the



petitioner that the District Magistrate, Panipat cancelled the arms licence solely on the ground of the pendency of the FIR, is misconceived

7. Learned State counsel further submitted that the petitioner was disqualified from holding an arms licence by virtue of Section 9(1)(a)(ii) of the Arms Act, which provides that if a person has been convicted of an offence involving moral turpitude and sentenced to imprisonment for a term of not less than six months and if five years have not elapsed since the expiration of his sentence, then he shall be disqualified from holding an arms licence

8. He further submitted that although the aforesaid issue regarding the disqualification of the petitioner under Section 9(1)(a)(ii) of the Arms Act was not specifically referred to in the impugned order, the factual position remains that he is not even qualified for holding an arms licence. In this regard, he submitted that the aforesaid FIR (Annexure P-1) was registered on 30.08.2020, in which the allegations against the petitioner were that he had fired and was charged under Section 285 of the IPC and this FIR formed the basis for passing of the impugned order by the District Magistrate, Panipat. The District Magistrate's finding that the petitioner had fired and that there was an apprehension of disturbance to public safety gets corroborated by the fact that after the aforesaid FIR (Annexure P-1), he committed another offence. In this subsequent offence, a second FIR No. 372 dated 20.12.2020 was registered against him under Sections 148, 149, 307, 302, and 120-B of the IPC and Sections 25/54/59 of the Arms Act and in this second FIR, the petitioner was convicted under Section 216 of the IPC and sentenced to rigorous imprisonment for 7 years,



although his sentence has been suspended by this Court. He also submitted that it was after the aforesaid incident which formed the basis for the cancellation of the Arms Licence that he was involved in another FIR dated 20.12.2020 in which he stands convicted and therefore, the satisfaction expressed by the learned District Magistrate that the petitioner could repeat the firing incident again gets fortified. He submitted that although the petitioner has been convicted under Section 216 of the IPC for harboring but the petitioner's involvement has culminated into his conviction. He further submitted that once the petitioner has been convicted under the aforesaid Section 216 of IPC and the other co-accused were charged under Section 302 of IPC then this offence involves moral turpitude and once the offence for which the petitioner has been convicted involves moral turpitude, he becomes disqualified under Section 9(1)(a)(ii) of the Arms Act. Therefore, even if the same is not reflected in the impugned order, the order cannot be set aside in this regard, since the aforesaid position pertaining to the conviction of the petitioner on the subsequent date and subsequent event is not disputed at all.

9. Learned State counsel further asserted that so far as the judgments cited by learned counsel for the appellant that mere pendency of the FIR is no ground for cancellation of the arms licence, are concerned, the aforesaid two judgments are not applicable to the present case and are distinguishable. While referring to the aforesaid judgments, he submitted that in those judgments, the cancellation of the arms licence was solely on the ground of pendency of FIR, whereas in the present case, it was not solely on the basis of pendency of FIR. In the present case, learned District



Magistrate has expressed his satisfaction that the petitioner's continuation of holding an arms licence would not be conducive to public safety and that itself is a ground under Section 17(3)(b) of the Arms Act. Therefore, the argument raised by learned counsel for the appellant is misconceived.

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

11. It is a case where the petitioner is impugning the orders passed by the learned District Magistrate, Panipat and the appellate authority whereby his arms licence has been cancelled. On 30.08.2020 vide Annexure P-1, an FIR under Sections 323, 285, 506, 354-A and 34 of IPC and Section 25/54/59 of Arms Act was registered at police station Model Town, Panipat, in which allegations were pertaining to the fact that two co-accused had come in front of the complainant's house and started making dirty gestures towards the complainant's wife and thereafter they went away. Then again, about 10 boys had come to the house, out of which one person was allegedly the present petitioner who was holding a revolver in his hand and other boys had sticks and swords in their hands. Thereafter, it is specifically stated in the FIR that the petitioner had fired directly towards the complainant's brother, which hit him directly on his head and his friends attacked the complainant's brother and father. On the basis of the aforesaid FIR, the process for cancellation of the arms licence was initiated and accordingly, the learned District Magistrate, Panipat, vide impugned order dated 12.04.2021 (Annexure P-2), after giving an opportunity of hearing to the petitioner and also issuing a show cause notice, came to the conclusion based on the aforesaid facts, including that the challan had already been presented before the Court and that the Superintendent of



Police, Panipat, had recommended cancellation of the arms license that in such a situation, any untoward incident in the future could not be ruled out and therefore, it would not be appropriate to allow the petitioner to retain the arms licence in the interest of public safety. On that basis, the arms licence of the petitioner was cancelled and the appeal filed by the petitioner before the Appellate Authority was also dismissed vide Annexure P-4.

12. The provision contained in the Arms Act pertaining to the cancellation of the arms licence as contained in Section 17(3)(b) of the Arms Act, is reproduced as under:-

“17(3)(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence.”

13. A perusal of the aforesaid would show that the provision of Section 17(3)(b) of the Arms Act provides that if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence, then the same becomes a ground for cancellation of the licence. The District Magistrate, Panipat in its wisdom, on the basis of the allegations against the petitioner and the factual position, came to the conclusion that since allegations against the petitioner were with regard to firing from his weapon, it would not be appropriate to continue his arms licence in public interest. The aforesaid conclusion was on the basis of the FIR dated 30.08.2020 which is now stated to be at the prosecution evidence stage, although it is not so stated in the impugned order that the license is cancelled because of the pendency of the FIR but it formed the basis of the cancellation of the license to the petitioner. After



about 03 months of the aforesaid FIR which formed the basis of the cancellation of the arms license, the petitioner was involved in another offence under Sections 148, 149, 307, 302 and 120-B of IPC and Section 25/54/59 of Arms Act, registered at police station, Panipat, in which the allegations against the petitioner were pertaining to harboring as well and the petitioner stood convicted under Section 216 of IPC for rigorous imprisonment of 07 years. In this way, as per learned State counsel, the petitioner stood disqualified under Section 9(1)(a)(ii) of the Arms Act. It was the argument of learned State counsel that the satisfaction which was expressed by the learned District Magistrate, Panipat, got substantiated and fortified by way of the aforesaid subsequent event in which the petitioner was involved and he was convicted as well and therefore it cannot be said that the satisfaction which was arrived at by the District Magistrate was on erroneous footing. This Court therefore agrees with the submissions made by learned State counsel that although an FIR was the basis of the cancellation of the Arms licence and the petitioner has challenged the aforesaid order by arguing that the same cannot become a basis for cancellation of the arms licence, but at the same time, just after 03 months of the aforesaid FIR dated 30.08.2020, he was involved in one more FIR dated 20.12.2020 in which he stands convicted under Section 216 of IPC, and therefore this Court is of the considered view that no fault can be found in the order passed by the learned District Magistrate, Panipat, in which he has arrived at a satisfaction.

14. A perusal of the impugned order passed by the District Magistrate, Panipat, would also show that the cancellation of the arms license of the



petitioner was not merely due to the pendency of the FIR but it was on the basis of securing public interest that continuation of the arms licence with the petitioner would not be in public interest, which itself is a ground for cancellation under Section 17(3)(b) of the Arms Act and therefore the argument which was raised by learned counsel for the petitioner while referring to the aforesaid two judgments, is a fallacious argument. A perusal of the aforesaid judgments would show that in those cases the arms licence was cancelled purely on the basis of pendency of the FIR, whereas the aforesaid judgments are totally distinguishable from the present case because in the present case, a perusal of the impugned order passed by the District Magistrate, Panipat, would show that it was not on the basis of the pendency of the FIR but the FIR formed the basis and satisfaction was recorded by the learned District Magistrate, Panipat. Moreover, after the incident on the basis of which the FIR was registered and which formed the basis of the impugned order that after about three months the petitioner was again involved in one more case in which he stands convicted. Therefore, this Court is also of the view that although the petitioner was not specifically declared disqualified and the impugned order does not make any mention of the provision of Section 9(1)(a)(ii) of the Arms Act but the factual position remains unrebutted that the petitioner stands convicted for a period of 07 years and therefore the argument raised by learned State counsel that even he was disqualified, also carries weight.

15. So far as the argument raised by learned counsel for the petitioner that on the ground of discrimination by referring to order passed by the Divisional Commissioner, Karnal, in some other case for some other



person vide Annexure P-5 is concerned, a perusal of the aforesaid Annexure P-5 would show that in that case the person concerned had not fired himself but he had handed over the weapon to another person who was his nephew and he fired in the air in a marriage function and therefore on that basis the Divisional Commissioner, Karnal, has allowed the licence to that person and this was the sole ground. However, the facts in the present case are totally different because the petitioner himself had allegedly fired and thereafter he also stands convicted and therefore the argument raised by learned counsel for the petitioner with regard to allegations of discrimination, is misconceived and unsustainable.

16. In view of the totality of facts and circumstances, this Court is of the considered opinion that no fault or illegality can be found in the impugned orders passed by the learned District Magistrate, Panipat and the appellate authority.

17. Finding no merit in the present petition, the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

23.07.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No