



CWP-29335-2024

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

**CWP-29335-2024
Date of Decision: 08.12.2025**

Gurcharan Singh

.... Petitioner

Versus

State of Punjab and others

..... Respondents

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 writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside the order dated 24.04.2024 (Annexure P-4) passed by respondent No.3 vide which Arms Licence of the petitioner has been cancelled and also the order dated 18.07.2024 (Annexure P-5) passed by respondent No.2 whereby an appeal filed by the petitioner has also been dismissed.

2. Learned counsel for the petitioner submitted that the petitioner was holding a valid arms Licence and was having a revolver and while cleaning his 32 bore revolver an accidental shot was triggered and he suffered a bullet injury. Thereafter, an action was taken against the petitioner and he was directed to deposit the firearm. He further submitted that at the time when the District Magistrate, Moga, who is the Licensing Authority considered the cancellation of the arms licence, the same was cancelled

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under Section 17(3) of Arms Act, 1959 on the ground that person such as the petitioner should not have the arms licence. He further submitted that the factors which had weighed in the mind of the Licensing Authority was that there were three FIRs registered against the petitioner and also that as per the police report, some people from the village mentioned that the petitioner is not in a fit state of mind but there was nothing on record pertaining to any medical record or any concrete evidence to show that the petitioner was suffering from any mental disorder. He also submitted that the petitioner is a Veterinary Doctor who treats animals in the entire vicinity and is in a sound and fit state of mind. and in the absence of any medical record to the contrary, the aforesaid ground could not have become a ground for cancellation of his arms licence.

3. Learned counsel for the petitioner further submitted that when the petitioner filed an appeal before learned Divisional Commissioner, Ferozepur i.e. the Appellate Authority, he also dismissed the appeal without recording any concrete reasons and merely stated in the order that learned District Magistrate, Moga has cancelled the arms licence on the basis of police report by following due procedure. It was also observed by the Appellate Authority that the petitioner has not been able to show any such document, which shows that the order passed by learned District Magistrate suffers from any illegality. He further submitted that so far as three FIRs registered against the petitioner are concerned, he is already acquitted in one FIR and in the remaining two, cancellation reports have already been filed and the same have also been accepted by the competent Court and so far the issue with regard to the petitioner being quarrelsome in nature is concerned as so observed by learned Divisional Commissioner, the same does not

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constitute a ground under Section 17(3) of Arms Act, 1959 to cancel the arms licence of the petitioner. He submitted that considering the aforesaid facts and circumstances, the impugned order (Annexure P-5) be set aside.

4. On the other hand, Ms. Shruti, learned AAG, Punjab submitted that in case the Licensing Authority deems it fit under Section 17(3) of the Arms Act that the person is not fit for obtaining or retaining an arms licence, the same can be cancelled. She however submitted that so far as the ground, which is so observed by learned Divisional Commissioner in the impugned order (Annexure P-5) that the petitioner is quarrelsome in nature that does not find mention under Section 17(3) of the Arms Act.

5. After hearing learned counsel for the parties and considering the aforesaid facts and circumstances of the present case, the present petition is partly allowed. Learned Divisional Commissioner, Ferozepur, who is the Appellate Authority, while observing that the petitioner is quarrelsome in nature itself does not constitute a ground under Section 17(3) of the Arms Act. So far as three FIRs against the petitioner are concerned, their fate is also not considered by the Licencing Authorities. There is no doubt that the Licensing Authority or the Appellate Authority have their own discretion, which they have to exercise in accordance with law and within the parameters of the provisions of law. When the Appellate Authority is considering the appeal, the order passed by the Appellate Authority has to be backed by cogent reasons. This Court is of the considered view that the order passed by learned Divisional Commissioner is not backed by cogent reasons. It is only a repetition of what learned District Magistrate i.e. the Licensing Authority has observed.

6. In view of the aforesaid facts and circumstances, the order

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dated 18.07.2024 (Annexure P-5) passed by learned Divisional Commissioner is hereby set aside. The matter is remanded back to the Divisional Commissioner, Ferozepur, who is the Appellate Authority to consider the submissions made by learned counsel for the petitioner before this Court and before the Divisional Commissioner and to pass a fresh order strictly in accordance with law and with due application of mind and consider all the issues that the petitioner raised in this regard. Permission is granted to the petitioner to raise any additional ground by way of an affidavit before the Appellate Authority. It is made clear that a fresh order passed by the Commissioner shall be with fresh application of mind and uninfluenced by the earlier order passed by the Appellate Authority as well as the present order passed by this Court since this Court has not recorded any observation on the merits of the case. The fresh order shall be passed within a period of three months from today.

08.12.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |