

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

102**CWP-32200-2024****Date of decision : 06.02.2025**

Shamsher Singh

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE LAPITA BANERJI

Present: Mr. Sandeep Lather, Advocate, for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

LAPITA BANERJI, J. (ORAL)

1. Under challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is an impugned order dated October 15, 2024 (Annexure P-6), passed by the Commissioner, Hisar Division, Hisar-respondent No.2 and the impugned order dated March 19, 2024 (Annexure P-4), passed by the District Magistrate, Jind-respondent No.3.

2. Learned counsel appearing on behalf of the petitioner submits that even though the petitioner's licence was valid upto August 12, 2021, and he failed to apply for renewal within the stipulated time, still the Licensing Authority, i.e. respondent No.3 should have considered his case under Rule 24 (5) of the Arms Rule, 2016 (hereinafter referred to as the '2016 Rules'). He submits that respondent No.3 should have considered the circumstances, which precluded the petitioner from applying within time, before the expiry of his licence. Furthermore, all the renewal fees had been paid.



3. The impugned order, suffers from illegality since the petitioner appeared in person and submitted before the authorities that his licence got misplaced. He had surrendered the Arms on his own, at the Police Station Sadar Jind, District Jind, on October 11, 2022. Therefore, there was no *mala fide* intention on the part of the petitioner to possess the arms without the requisite licence.

4. Issue notice of motion.

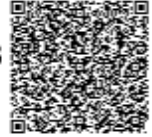
5. Mr. Sharad Aggarwal, DAG, Haryana, appears on behalf of respondents and submits that there is no illegality or infirmity in the impugned orders dated March 19, 2024, passed by respondent No.3 and the impugned order dated October 15, 2024, passed by respondent No.2.

6. This Court has heard the learned counsel appearing for the parties and perused the material on record.

7. It is important to consider the provisions of Rule 24(5) of the 2016 Rules. The said rule is reproduced hereinafter:-

“5. The licensing authority may consider an application for renewal of a licence, if the period between the date of its expiry and the date of application is not, in his opinion, unduly long with due regard to the circumstances of the case, and all renewal fees are paid; otherwise the application may be treated as one for grant of a fresh licence.”

8. It appears from the bare reading of the aforesaid rule that in case the authorities thought that the period of delay was not unduly long and there were circumstances to suitably justify the same then there was no bar to condone the delay. The authorities were under an obligation then to consider



the application of the petitioner as an application for grant of fresh licence. It is not disputed that all the renewal fees have been paid by the petitioner.

9. Since the petitioner himself, acting on his own volition, has handed over the arms to the SHO, Police Station Sadar Jind, District Jind, on October 11, 2022, this Court does not find that the petitioner was deliberately seeking to violate the law or deliberately or illegally seeking to possess the arms without necessary licence.

10. Therefore, this Court directs the Licensing Authority, i.e. respondent No.3-District Magistrate, Jind, to consider the application of the petitioner for renewal of his licence as an application for grant of fresh licence within a period of four months from the date of this order. The said application will be disposed of upon giving an opportunity of personal hearing to the petitioner.

11. With the direction aforesaid, the present writ petition being CWP-32200-2024 is disposed of.

12. Pending applications, if any, also stand disposed of.

(LAPITA BANERJI)
JUDGE

06.02.2025

Nisha-I

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No