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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28966-2023

Date of decision: 05.08.2025

ANIL KUMAR

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Abhishek Pundir, Advocate for
Mr. Mohan Singh Rana, 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 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 05.07.2023 (Annexure P-4), whereby the appeal filed by the petitioner has been rejected and also for setting aside the order dated 31.03.2022 (Annexure P-2), whereby respondent No.3 has not renewed the arms licence of the petitioner with a further prayer to direct the respondents to renew the arms licence of the petitioner.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner had applied to the Commissioner of Police, Faridabad for renewal of his arms licence and the same was rejected vide impugned order dated 31.03.2022 (Annexure P-2) on the ground that an FIR under the Gambling Act was pending against him. He further submitted that the



mere pendency of an FIR itself does not constitute any ground for non-renewal of licence under the provisions of the Arms Act and against the aforesaid order, the petitioner filed an appeal before the Commissioner, Faridabad Division, Faridabad, which was also dismissed vide order dated 05.07.2023 (Annexure P-4). He further submitted that the aforesaid appeal was dismissed by the Commissioner, Faridabad Division, Faridabad on the same premise that an FIR was pending against the petitioner, whereas on that date, the petitioner already stood convicted under the Gambling Act and was sentenced to a fine of Rs.400/-. He further submitted that the aforesaid itself cannot become a ground for non-renewal of arms licence of the petitioner. He also submitted that in this way, the aforesaid impugned orders have been passed without application of mind and are against the statutory provisions of law.

3. On the other hand, Mr. Nitin Kaushal, Addl. A. G., Haryana submitted that so far as the order (Annexure P-4) passed by the appellate authority is concerned, there is a factual error in the same because it has been so recorded by the appellate authority in the said order that an FIR was pending against the petitioner, whereas the petitioner already stood convicted and was sentenced to a fine of Rs.400/-. He further submitted that there is no dispute that a factual error has occurred in the order passed by the appellate authority and therefore, he has no objection in case the order passed by the appellate authority is set aside by this Court and the matter is remanded back to the appellate authority for fresh consideration.

4. After hearing the learned counsels for the parties and considering the aforesaid factual position as so stated by the learned counsels for the parties,



the present petition is allowed. The impugned order dated 05.07.2023 (Annexure P-4) passed by the Commissioner, Faridabad Division, Faridabad is hereby set aside. The matter is remanded back to the Commissioner, Faridabad Division, Faridabad to pass a fresh order strictly in accordance with law, within a period of three months from today, after affording adequate opportunity of hearing to the petitioner or his counsel and keeping in mind the statutory provisions of the Arms Act.

05.08.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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