



CWP-32325-2024 with connected petition

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

CWP-32325-2024

Date of Decision: 11.08.2025

Monu

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CWP-32327-2024

Vikas

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shivansh Malik, Advocate
for the petitioners (in both cases).

Mr. Nitin Kaushal, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. Both the petitions have been filed under Article 226/227 of the Constitution of India and are being taken up together for final disposal with the consent of learned counsels for the parties, since the issue involved in both the cases is similar in nature. The prayer in both the petitions is for quashing the impugned orders dated 30.01.2024 (Annexure P-7) passed by respondent No.2-District Magistrate, Rohtak and the orders dated 15.05.2024 (Annexure P-9) passed in both cases by respondent No.3-Commissioner, Rohtak Division with a further prayer to direct the respondents to revoke the cancellation of the arms licence and restore/renew the arms licence of both the petitioners.

2. Learned counsel appearing on behalf of the petitioners in both the cases has submitted that it is a case where the arms licence granted to both the



petitioners has been cancelled by the District Magistrate, Rohtak on the ground that the arms were found in the possession of a third person. He further submitted that the impugned orders which have been passed by the District Magistrate in both the cases were erroneous since the same could not have become a ground for the cancellation of arms licence and no cogent reason has been mentioned in the aforesaid orders. He further submitted that even otherwise also a perusal of the impugned orders passed by the learned Appellate Authority in both the cases, who is the Commissioner, Rohtak Division would show that on the face of it no reason has been mentioned as to why, how and under what circumstances any violation of law has been committed. He also submitted that rather nothing has been so stated in the impugned orders passed by the Appellate Authority in both cases as to under which provision of law, the arms licence has been cancelled. He referred to the operative part of the orders passed by the learned Appellate Authority to show that it only states that on the perusal of the orders passed by the District Magistrate and the report of Superintendent of Police that the present petitioners have violated the conditions of the Arms Act whereas there is no discussion with regard to as to how the petitioners have violated the provisions of the Arms Act. He also submitted that the impugned orders passed by the Appellate Authority in both cases are totally cryptic and non-speaking and therefore, are liable to be set aside.

3. At this stage, Mr. Nitin Kaushal, learned Addl. AG, Haryana has not been able to rebut the aforesaid contentions raised by the learned counsel for the petitioner and submitted that he has sought instructions from the concerned authority with regard to the aforesaid impugned orders passed by the Appellate Authority and submitted that the orders passed by the District



Magistrate, Rohtak were upheld by the Commissioner, Rohtak Division as an Appellate Authority. So far as the reasons in support of the orders passed by the Appellate Authority are concerned, he also submitted that the aforesaid orders passed by the Appellate Authority are not supported by any reasons.

4. In view of the aforesaid facts and circumstances whereby a perusal of the impugned orders passed by the Appellate Authority in both the cases *ex facie* shows that no specific reasons have been so discussed and mentioned in the impugned orders and after looking at the facts of the case and perusing the orders passed by the District Magistrate, the Appellate Authority passed the orders, therefore, this Court is of the considered view that it is a settled law that the reasons are the soul of an order and once the arms licence has been cancelled on the basis of violation of any condition of the Arms Act, the same were required to have been discussed in terms of the provisions of the Arms Act and not in a single line order by simply stating that the petitioner has violated the condition of the Arms Act.

5. Therefore, the impugned orders dated 15.05.2024 (Annexure P-9) passed by the Appellate Authority in both the cases are *ex facie* cryptic, non-speaking and not backed by any reasons and therefore, are liable to be set aside.

6. Consequently, both the petitions are allowed and the orders passed by the Appellate Authority in both the cases are hereby set aside. The matter is remanded back to the Appellate Authority, who is the Commissioner, Rohtak Division to pass fresh orders strictly in accordance with law which must be a speaking order and backed by reasons after giving due opportunity of hearing to the petitioners or their counsel.

7. Needless to say that fresh orders which are to be passed have to be



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by way of a fresh application of mind and uninfluenced by earlier orders passed by the Commissioner, Rohtak Division or any observations made by this Court in the present order. The fresh orders shall be passed within a period of three months from today.

11.08.2025

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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