



CWP-31442-2025 (O&M)

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

CWP-31442-2025 (O&M)

Date of Decision:20.11.2025

Jaiwinder Singh @ Jaivinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Ishani Goyal, Advocate for
Ms. Navjot Kaur, Advocate for the petitioner.

Ms. Shruti, AAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

1. Reply filed on behalf of respondent No. 2 is taken on record.

A copy of the same has been supplied to the counsel opposite, who stated that she has perused the reply filed on behalf of respondent No. 2.

2. The present writ 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 orders i.e., order dated 16.01.2025 (Annexure P-9) passed by learned Divisional Commissioner, Patiala Division, Patiala and order dated 23.08.2024/28.08.2024 (Annexure P-8) passed by learned Additional District Magistrate, Sangrur.

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was holding a valid arms licence and had applied for renewal of the same but the application was dismissed by the licensing authority, i.e., learned Additional District Magistrate, Sangrur,



vide Annexure P-8 dated 23.08.2024/28.08.2024, relying upon the police report pertaining to two FIRs registered against the petitioner. She submitted that an FIR was registered against the petitioner i.e. FIR No. 10 dated 16.02.2016 under Sections 406, 408, 420 and 120-B IPC, but the petitioner has already been acquitted in the said case even prior to the passing of the impugned order. So far as the second FIR is concerned, it pertains to FIR No.52 dated 29.06.2017 registered under Sections 447 and 34 IPC, with respect to which a compromise has been arrived at between the parties, however, the trial is still pending and a petition for quashing of the FIR on the basis of compromise has already been filed. She further submitted that in any case, mere pendency of the aforesaid FIR/trial under Sections 447 and 34 IPC, without any allegation or implication of the petitioner under the Arms Act, cannot be treated as a valid ground to deny renewal of the arms licence, particularly when the licence held by the petitioner was a valid licence for the purpose of self-defence. She further submitted that merely on the basis of the report of the concerned SSP, Sangrur, without recording of satisfaction by the licensing authority, licence of the petitioner could not have been cancelled and the aforesaid grounds cannot become a ground for refusal to renew the licence and in this regard she referred to the provisions of Section 17 of the Arms Act, which provides for various grounds on the basis of which a licence can be either revoked or cancelled, but none of the grounds exist in the present case and therefore the impugned order passed by learned Additional District Magistrate, Sangrur, vide Annexure P-8 is liable to be set aside.

4. She further referred to order passed by learned Appellate Authority i.e. the Divisional Commissioner, Patiala Division, Patiala vide



Annexure P-9 dated 16.01.2025, whereby he simply reiterated the order passed by the licensing authority-learned Additional District Magistrate, Sangrur and had only observed in the last part of the order that although the petitioner has been acquitted in FIR No.10 dated 16.02.2016, he has not been declared innocent in the second FIR and that the assessment by the police authorities is an important and material consideration in keeping/issuance of a new/renewal of arms licence. It was further observed that since the report of the police authority is unambiguous and categorical, therefore, if the petitioner is allowed to keep the weapon in his custody, it would not be safe in public interest and is not recommended by the police authority. She also submitted that in the order passed by learned Additional District Magistrate, Sangrur, no such satisfaction has been recorded that it is neither safe nor in the public interest to allow the petitioner to keep the weapon with him but such a finding has been recorded only in the order passed by the Divisional Commissioner, which is against the record and therefore both the orders are liable to be set aside.

5. On the other hand, learned State counsel submitted that the reason as to why the petitioner was not granted renewal of the arms licence, was the pendency of one FIR against him and also the adverse report of the police in this regard.

6. I have heard learned counsels for the parties and have perused both the impugned orders.

7. Undoubtedly, the petitioner was involved in FIR No.10 dated 16.02.2016, in which he stood acquitted prior to passing of the order by learned Additional District Magistrate, Sangrur and therefore the same is



of no consequence. Even otherwise also, the aforesaid FIR No.10 is pertaining to only Sections 406, 408, 420 and 120-B of IPC and therefore it cannot constitute a ground for non-renewal of the licence, particularly when he was acquitted. So far as the second FIR is concerned, that is also under Sections 447 and 34 of IPC, which pertains to the offence of trespass. The Licensing Authority, when called upon to grant or renew a licence or to revoke a licence, has to record satisfaction as to why the licence is not to be renewed or is to be revoked. Although in the aforesaid order, i.e., Annexure P-8, it appears that the petitioner had applied for renewal of the licence but in the last portion of the order, learned Additional District Magistrate, Sangrur-Licensing Authority has cancelled the licence of the petitioner under Section 17(3) of the Arms Act, which means that it is a case of cancellation of the licence and therefore once it is a case of cancellation of licence then the ingredients of Section 17 of the Arms Act are required to be fulfilled. The pendency of an FIR and the report of the police, by themselves, cannot constitute a ground for cancellation of a licence unless the parameters and grounds contained in Section 17 of the Arms Act are satisfied and the satisfaction is required to be recorded by learned Additional District Magistrate, Sangrur, who is the Licensing Authority. Furthermore, the mere observation of learned Appellate Authority, based on the police report, that it is not safe or in the public interest to grant a licence to the petitioner cannot be sustained, as there is no material on record to justify such a finding and it appears to have been only a formal exercise by learned Appellate Authority, who is the Divisional Commissioner, Patiala Division, Patiala and therefore both



the orders passed by the Licensing Authority and learned Appellate Authority are perverse and cryptic.

8. Consequently in view of the aforesaid facts and circumstances, the present petition is allowed and orders dated 23.8.2024/28.08.2024 passed by learned Additional District Magistrate, Sangrur (Licensing Authority) and dated 16.01.2025 passed by learned Divisional Commissioner, Patiala Division, Patiala (Appellate Authority) are hereby set aside and the matter is remanded back to learned Additional District Magistrate, Sangrur, to have a fresh look into the grievances of the petitioner pertaining to grant/renewal of licence and to pass a fresh order in accordance with law.

9. The fresh order shall be passed within a period of three months from today, with a fresh application of mind and uninfluenced by the orders dated 23.8.2024/28.08.2024 passed by learned Additional District Magistrate, Sangrur (Licensing Authority); dated 16.01.2025 passed by learned Divisional Commissioner, Patiala Division, Patiala (Appellate Authority) and the present order passed by this Court because this Court has made no observations on the merits of the case.

20.11.2025
shweta

(JASGURPREET SINGH PURI)
JUDGE

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