



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

208

CWP-2819-2024 (O&M)
Date of Decision:02.04.2026

Rajesh Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mukul, Advocate for
Mr. Surender Pal, Advocate for the petitioner.

Mr. Chirag Wadhwa, DAG, 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 and setting aside the order dated 18.11.2022 (Annexure P-3) passed by the District Magistrate, Jind, whereby the petitioner's request for renewal of his arms licence dated 27.02.2012 (Annexure P-1) was declined, as well as the order dated 27.10.2023 (Annexure P-4) passed by the Commissioner, Hisar Division, Hisar, whereby the appeal preferred by the petitioner was dismissed.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was holding an arms licence, which had also been renewed twice, and thereafter when an application for renewal of the licence was made, the same was declined vide order dated 18.11.2022 (Annexure P-3) passed by the District Magistrate, Jind. The appeal preferred against the said order was also



dismissed by the appellate authority vide order dated 27.10.2023 (Annexure P-4), which is stated to be unreasoned and cryptic. He submitted that the reason assigned by the District Magistrate, Jind, for declining the renewal of the arms licence was with regard to pendency of some FIRs against the petitioner, whereas in fact the position is that the petitioner was involved in total four FIRs, out of which, at the time of the decision of the learned Commissioner, Hisar Division, Hisar, who was the appellate authority, the petitioner was already acquitted in two cases and the remaining two cases were pending. This aspect has already been noted by the learned Commissioner, Hisar Division, Hisar and the present position is that the petitioner stands acquitted in three cases and there is only one case bearing FIR No. 1022 dated 23.12.2017, which is although under the Arms Act but the petitioner is not arraigned as an accused in the aforesaid FIR, and in this way there is no case pending against the petitioner.

3. He further submitted that it is a settled law that mere pendency of an FIR does not become a ground for non-renewal of the licence. He also submitted that, as per the impugned order passed by District Magistrate, Jind, it has been observed in para No. 3 in very general and vague terms that public peace is always likely to be disturbed if such type of men are having arms licences and weapons. He also submitted that the aforesaid observations have been made in general terms but there is no specific observation pertaining to the present petitioner, as there is no material on record, nor has it been stated by the learned District Magistrate, Jind, as to on what basis the carrying of an arms licence by the petitioner would disturb public peace and in the absence of any



such material, the order dated 18.11.2022 (Annexure P-3) is liable to be set aside being unreasoned and cryptic. He also submitted that when the petitioner filed an appeal before the learned Appellate Authority, the learned Appellate Authority, after noting that the present petitioner had been acquitted in two cases did not set aside the order passed by the District Magistrate, Jind and rather upheld the same without giving any reasons and by just observing in para No. 7 that the order passed by the District Magistrate, Jind appears to be fair and just. He further submitted that both the aforesaid orders are liable to be set aside.

4. On the other hand, learned State counsel submitted that the reason for non-renewal of the arms licence of the petitioner by the District Magistrate, Jind was, as observed in para No. 3, that public peace is likely to be disturbed and because of the likelihood of public peace being disturbed, the licence was not renewed. So far as the learned appellate authority is concerned, he also submitted that he cannot controvert the submissions made by learned counsel for the petitioner that no independent reason has been given by the appellate authority.

5. I have heard learned counsels for the parties.

6. The District Magistrate, Jind, while declining to renew the licence of the petitioner, has primarily based his decision on the pendency of the FIRs against the petitioner. However, it is a settled law that mere pendency of the FIR itself cannot become a ground for non-renewal of a licence unless the licensing authority comes to a satisfaction, based upon the material, that any of the parameters of Section 17 of the Arms Act are satisfied. The reasons which



have been given in para No. 3 of the order dated 18.11.2022 (Annexure P-3) by the District Magistrate, Jind, appear to be totally general and vague in nature.

7. A perusal of para No. 3 would show that it was so observed by the District Magistrate, Jind that public peace is always likely to be disturbed if such type of men are having arms licence and weapons. Such kind of reasoning given by the District Magistrate is inappropriate and not in accordance with law. No such general sweeping observation can be made by so observing that if such type of men are having arms licence, it will cause disturbance to public peace. Whenever an arms licence is required to be declined, it has to be declined on the basis of some concrete material based on record, on the basis of which satisfaction has been arrived at by the District Magistrate, Jind, with regard to the person concerned individually and not in vague and general terms. Such kind of observations are not in accordance with law and therefore totally inappropriate and contrary to the provisions of Section 17 of the Arms Act. It was rather further observed in para No. 3 that the licence is not required by the petitioner in public interest and public peace, regarding which also no satisfaction has been expressed and no material has been disclosed as to why and on what basis the petitioner would disturb the public peace.

8. The satisfaction of the licensing authority is *sine qua non* for the purpose of non-renewal/non-grant of an arms licence, and for that purpose there has to be some material on record on the basis of which the District Magistrate or the competent licensing authority can exercise the powers vested in him to decline the same. It is always within the wisdom of the licensing authority to either grant or not to grant a licence, but at the same time, the District



Magistrate or the licensing authority cannot, in an evasive manner and without discussing any material and without recording any satisfaction with regard to the individual person who has applied for the licence, decline the same. In this way, the order passed by the learned District Magistrate, Jind, is totally cryptic and perverse.

9. A perusal of the earlier part of the order dated 18.11.2022 (Annexure P-3) passed by the District Magistrate, Jind shows that, because of the pendency of some FIRs against the petitioner, his licence has not been renewed, whereas it is a settled law that mere pendency of an FIR would not become a ground for that purpose unless some contrary satisfaction is recorded, which is absent in the present case. Not only this, learned counsel for the petitioner has stated that there were total four FIRs against the petitioner, out of which the petitioner has since been acquitted in three FIRs and therefore, on that ground also, it will not survive.

10. So far as the order passed by the appellate authority is concerned, she has simply stated in the last portion of para No. 7 that the order passed by the District Magistrate, Jind appears to be just and proper. The way in which the appellate authority has dealt with the matter is also not proper. The appellate authority is also exercising quasi-judicial power and for that purpose, the appellate authority has to pass a reasoned order and cannot simply say that the impugned order is just and proper. The appellate authority, even after recording that the petitioner has been acquitted, has still upheld the order passed by the District Magistrate, Jind and in this way, the order passed by the appellate authority is also a cryptic and non-speaking order.



11. In view of the aforesaid facts and circumstances, the present writ petition is hereby allowed, and the orders dated 18.11.2022 passed by the learned District Magistrate, Jind (Licensing Authority) and dated 27.10.2023 passed by the learned Commissioner, Hisar Division, Hisar (Appellate Authority) are hereby set aside, and the matter is remitted back to the learned District Magistrate, Jind, to pass a fresh order in accordance with law.

12. The fresh order shall be passed within a period of three months from today, with a fresh application of mind and uninfluenced by the order dated 18.11.2022 passed by the learned District Magistrate, Jind and order dated 27.10.2023 passed by the learned Commissioner, Hisar Division, Hisar and the present order passed by this Court, as this Court has not made any observation on the merits of the case.

13. Needless to say, a speaking order shall be passed in accordance with law and after giving adequate opportunity of hearing to petitioner or his counsel and also after giving due regard to the statutory provisions of the Arms Act, 1959.

(JASGURPREET SINGH PURI)
JUDGE

02.04.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No