

**CWP-3410-2026****-1-****206****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***********CWP-3410-2026****Date of Decision: 08.04.2026**

Balbir Singh

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nonish Kumar, Advocate for the petitioner.

Mr. Chirag Wadhwa, DAG, Haryana.

**********JASGURPREET SINGH PURI, J. (ORAL)**

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 25.07.2023 (Annexure P-6) passed by respondent No.3 vide which arms licence of the petitioner has been cancelled and also the order dated 16.07.2025 (Annexure P-8) passed by respondent No.2 whereby a statutory appeal filed by the petitioner has also been dismissed.

2. Learned counsel for the petitioner submitted that the petitioner was holding the arm licence and vide impugned order dated 25.07.2023, the arms licence of the petitioner has been cancelled by learned District Magistrate (Annexure P-6) on the ground that there were two FIRs registered against him although so noted that petitioner has been acquitted in those FIRs and submitted that in fact there were three FIRs against the petitioner and those were only pertaining to Sections 380, 323, 324, 506, 148, 149 and 34 IPC but none of the FIRs pertains to Arms Act. However, the District Magistrate vide Annexure P-2 dated 28.12.2018 cancelled his Arms Licence

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on the basis of the report of police that since the aforesaid FIRs are pending against the petitioner, it may not be proper to renew his arm licence. Thereafter, the aforesaid order was challenged by filing an appeal before the Appellate Authority, who dismissed the appeal vide Annexure P-4 on 22.08.2019 by passing a non-speaking and cryptic order. These orders were challenged by the petitioner by filing a writ petition bearing CWP-6723-2022, which was allowed by a Coordinate Bench of this Court on 21.04.2023 vide Annexure P-5 and the matter was remitted to the Licensing Authority to decide the issue afresh in accordance with law because as per the observations made by the Coordinate Bench of this Court no basis were recorded in the order for bringing the case within the ambit of Section 17(3) of the Arms Act, 1959 (hereinafter referred to as 'the Act') and no cogent reasons were given. Thereafter fresh order was passed by the Licensing Authority vide Annexure P-6 and by way of the aforesaid order (Annexure P-6) again by one stroke of a pen the District Magistrate, i.e., the Licensing Authority, has cancelled the licence under Section 17(3) of the Act by observing that the petitioner was accused of stealing/forcibly taking away the ballot papers during panchayat election and it cannot be ruled out that the petitioner may commit crime in future and also observed that it was due to non-availability of strict proof, the applicant had been acquitted in the cases.

3. Learned counsel further submitted that again the same mistake was committed by the District Magistrate i.e. Licensing Authority because again no reason has been so prescribed as to how the case would fall under Section 17(3) of the Act and the reasons given in the aforesaid order does not find mention in the impugned order (Annexure P-6) passed by the District



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Magistrate. He also submitted that when he filed an appeal before learned Divisional Commissioner, Karnal Division i.e. the Appellate Authority, same was dismissed in a similar fashion and even after noting that the petitioner had been acquitted in all the three cases still his appeal was dismissed and submitted that it is a settled law that mere pendency of FIR itself cannot become a ground for non-renewal/cancellation of arms licence. He referred to the judgments passed by a Coordinate Bench of this Court in “**Brijesh Kumar Vs. State of Haryana and other**” 2021(4) RCR (Civil) 47 and in CWP No.33095 of 2019 titled as “**Dharamdev Arya Vs. State of Haryana and others**”, decided on 27.02.2020. He further submitted that the present is not a case that at the time when the Appellate Authority has considered the appeal that the FIRs were pending but it is a case where the Appellate Authority itself has noted in its order that the petitioner was rather acquitted in all the cases. Therefore, by no stretch of imagination it can be said that acquittal itself can become a ground for cancellation of arms licence. Hence, the order passed by the Appellate Authority is also contrary to the provisions of Section 17 of the Act and thus, both the orders are liable to set aside.

4. On the other hand, Mr. Chirag Wadhwa, learned DAG, Haryana submitted that with regard to the aforesaid fact that the impugned orders (Annexures P-6 & P-8) have been passed on the basis of the FIRs in which the petitioner has since been acquitted cannot be controverted. He also submitted that there is no dispute with regard to the proposition of law that the mere pendency of an FIR cannot become a ground for cancellation of arms licence. He further submitted that Licencing Authority may be permitted to pass a fresh order in accordance with law after hearing the petitioner.



5. I have heard learned counsels of the parties.

6. This is a second round of litigation by the petitioner. Earlier when the order was passed by the District Magistrate vide Annexure P-2, the same was unreasoned and did not fall within the ambit of Section 17 of the Act and a Coordinate Bench of this Court vide Annexure P-5 had set aside the aforesaid order by allowing the petition and the matter was remitted. It was thereafter when Annexure P-6 was passed by the District Magistrate i.e. the Licencing Authority where again a cryptic order was passed, which was not backed by any cogent reasons as so provided within the parameters of Section 17 of the Act. It was the duty of the District Magistrate to have passed an order in accordance with law after knowing fully well that the earlier order was not passed in accordance with law and was set aside by a Coordinate Bench of this Court. A reading of the operative part of the impugned order (Annexure P-6) passed by the District Magistrate would show that such kind of orders appear to be inappropriate orders because the District Magistrate exercises his quasi judicial powers for which in case of cancellation of any licence it has to fall within the parameter of law. There is no dispute with regard to the proposition of law that it is always within the wisdom of the Licensing Authority to decide as to whether the licence is to be cancelled or not but that would not mean that the Licensing Authority would pass any such order without adhering to the parameters, which are contained under statutory provisions of law and in the present case, Section 17 of the Act would be relevant provision of law. The District Magistrate in the aforesaid order (Annexure P-6) so observed that it cannot be ruled out that the applicant may commit crime in future and the allegations against the petitioner are pertaining

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to stealing/forcibly taking away the ballot papers during Panchayat elections but in all the three FIRs the petitioner stands acquitted. The District Magistrate was required to arrive at a satisfaction based upon some material but the same was not done by the District Magistrate in the present case. Therefore, the order is contrary to the provisions of Section 17 of the Act and is liable to set aside. The same mistake was repeated by the Appellate Authority again vide Annexure P-8 and therefore, Annexure P-8 is also liable to be set aside.

7. Learned counsel for the petitioner has also during the course of arguments so stated that even otherwise also although the petitioner has been acquitted in all the three FIRs but all the three FIRs did not relate to violation of any of the provisions of the Arms Act nor the provisions of the Arms Act were invoked.

8. Learned State counsel has also so stated that permission may be granted to the State to pass a fresh order in accordance with law.

9. In view of the aforesaid facts and circumstances, the present petition is allowed. Both the impugned orders (Annexure P-6 & P-8) are hereby set aside being contrary to law. The matter is remitted to the District Magistrate/Licensing Authority to pass a fresh order in accordance with law by fresh application of mind and uninfluenced by the earlier orders passed and the order passed by this Court. The petitioner or his counsel shall be afforded an adequate opportunity of hearing by the District Magistrate before passing the order. The fresh order shall be passed within a period of three months from today.

08.04.2026*Bhumika*

(JASGURPREET SINGH PURI)
JUDGE

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