

206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3704-2026

Date of decision: 13.03.2026

GURBJAJAN SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

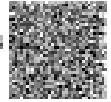
Present:- Ms. Gurpreet Kaur, Advocate
for the petitioner.

Ms. Shruti, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

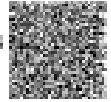
1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 21.02.2025 (Annexure P-3) passed by respondent No.3, whereby the arms licence of the petitioner has been cancelled and order dated 16.05.2025 (Annexure P-4) passed by respondent No.2, whereby the statutory appeal filed by the petitioner has been dismissed, with a further prayer to direct the respondents to restore and revive the licence of the petitioner.

2. Learned counsel for the petitioner submitted that the petitioner was holding an arms licence, on which two weapons are entered, namely, .32 bore revolver and 12 bore double-barrel gun and by way of the impugned order dated 21.02.2025 (Annexure P-3) passed by the Additional District Magistrate,



Sahibzada Ajit Singh Nagar, the arms licence of the petitioner was cancelled only on the basis of pendency of FIR No.133 dated 24.08.2022, under Sections 323, 325, 148 and 149 of the IPC. She further submitted that the aforesaid FIR pertains to causing hurt and it is a settled law that mere pendency of an FIR itself cannot become a ground for cancellation of an arms licence, particularly when the licence is issued for the purpose of self-defence. She further submitted that the aforesaid licence was not cancelled under any provision of law or within the parameters of Section 17 of the Arms Act but it has been cancelled only on the basis of mere pendency of an FIR. She further submitted that when the petitioner filed an appeal before the appellate authority i.e. the Commissioner, Rupnagar Division, Rupnagar, the same was dismissed without recording any reasons and by just stating that as per the rules, such a person against whom a case has been registered, it is not proper to issue arms licence to him. She also submitted that the aforesaid order passed by the Commissioner, Rupnagar Division, Rupnagar clearly reflects a non-application of mind and is contrary to law. Had there been any such rule, the Commissioner, Rupnagar Division, Rupnagar, was under an obligation to have at least mentioned it but since no rule exists providing that an arms licence can be cancelled only on account of pendency of an FIR, the aforesaid order is liable to be set aside.

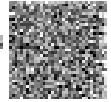
3. Learned counsel for the petitioner submitted that there is a dispute between the petitioner and another resident of the village and a false FIR under Sections 323, 325, 148 and 149 of the IPC was registered against the petitioner, which is pending. She also submitted that the cancellation of the arms licence rather goes contrary to the purpose for which it was issued, namely, self-



defence and therefore, the cancellation of the arms licence is illegal not only because it does not fall within any of the grounds provided under Section 17 of the Arms Act but also because it is contrary to the scheme of the Act itself and consequently, both the aforesaid impugned orders are liable to be set aside.

4. On the other hand, Ms. Shruti, AAG, Punjab submitted that in pursuance of the order passed by this Court on 09.02.2026, both the Additional District Magistrate, Sahibzada Ajit Singh Nagar and the Commissioner, Rupnagar Division, Rupnagar have filed their respective affidavits. So far as the affidavit dated 17.02.2026 filed by the Commissioner, Rupnagar Division, Rupnagar is concerned, she submitted that the Commissioner has stated in the said affidavit that he has recently joined the office of the Commissioner and the impugned order was passed by his predecessor and therefore, no answer has been given with respect to the order passed by his predecessor.

5. While referring to paragraph No.4 of the affidavit dated 19.02.2026 filed by the Additional District Magistrate, Sahibzada Ajit Singh Nagar, learned State counsel submitted that the Additional District Magistrate has stated while answering the query of this Court that under the Arms Act, the cancellation of the arms licence can be done only in terms of Section 17(3) of the Arms Act and that there is no provision under the Arms Act for cancelling or revoking the arms licence merely because of pendency of an FIR. She further referred to paragraph Nos.5, 6 and 7 of the said affidavit, wherein the Additional District Magistrate has stated that although no other reason was mentioned in the impugned order passed by her predecessor but another reason for cancellation of the arms licence was that there was an apprehension of disrupting of public

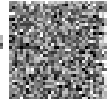


peace and safety, but this reason was not recorded in the impugned order by her predecessor. The Additional District Magistrate further stated that the impugned order was passed only to ensure public safety and maintaining public peace in view of Section 17(3) of the Arms Act and since the explanation furnished by the petitioner was found to be unsatisfactory, his arms licence was cancelled.

6. Learned State counsel also referred to paragraph No.9 of the affidavit, in which it has been so stated by the Additional District Magistrate that in case the impugned order is contrary to any provision of law or is violative of the principles of natural justice, then she is not averse to passing a fresh speaking order purely in accordance with law.

7. I have heard the learned counsels for the parties and also perused the aforesaid impugned orders as well as the respective affidavits filed by the Additional District Magistrate, Sahibzada Ajit Singh Nagar and the Commissioner, Rupnagar Division, Rupnagar.

8. The Additional District Magistrate, Sahibzada Ajit Singh Nagar passed an order cancelling the arms licence of the petitioner only on the ground of pendency of one FIR registered against him under Sections 323, 325, 148 and 149 of the IPC. When the matter went to the appellate authority i.e. the Commissioner, Rupnagar Division, Rupnagar, he simply stated that as per the rules, it can be done. When the Additional District Magistrate, Sahibzada Ajit Singh Nagar filed an affidavit before this Court dated 19.02.2026, she stated that there is no such provision under the Act that because of the pendency of an FIR, arms licence can be cancelled and it can be cancelled only in terms of Section 17(3) of the Arms Act. The relevant portion of paragraph No.4 of the



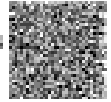
aforesaid affidavit filed by the Additional District Magistrate, Sahibzada Ajit Singh Nagar, is reproduced as under:-

“4. That in compliance of the above said directions issued by the Hon'ble Court, the deponent is filing the present affidavit to answer the query put up by this Hon'ble Court as to under which provision of law mere pendency of an FIR u/s 323, 325, 148 & 149 IPC can become a ground for straightaway cancellation of an arms licence.

The answer to the query is that no provision of the Arms Act, 1959 provides for cancellation or revocation of the arms licence merely because of pendency of an FIR against the holder of the arms license. It is only in terms of Section 17(3) of the Arms Act, 1959 the license of the person can be varied, suspended or revoked.”

9. However, it was also stated in the affidavit by the Additional District Magistrate, Sahibzada Ajit Singh Nagar that there was another reason also for the cancellation of arms licence, namely, apprehension of disrupting of public peace and ensuring public safety but admittedly, this reason was not recorded in the impugned order.

10. It is a settled law that by way of filing a reply in a petition, the authorities cannot improve upon an order passed, which is under challenge. If a reason has not been mentioned in the impugned order, the same cannot form a basis for taking action by filing a reply in the writ petition. For the cancellation of the arms licence on the aforesaid ground of apprehension of disrupting of public peace and safety etc., a satisfaction has to be recorded by the Additional District Magistrate on the basis of material available on record and not by justifying the same by filing an affidavit before this Court. The reason has to be



mentioned in the order itself based upon material, which is admittedly absent in the present case.

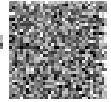
11. Paragraph No.5 of the affidavit filed by the Additional District Magistrate, Sahibzada Ajit Singh Nagar, is also reproduced as under:-

“5. That the deponent has humbly tried to answer the query put up by this Hon'ble Court, however, after perusal of the Order dated 21.2.2025 passed by the predecessor of the deponent and as per available record it is submitted that the arms license of the petitioner was not cancelled merely on the basis of registration of FIR against him. The same has been cancelled in apprehension of disrupting of public peace and safety. Though the reasons have not been expressly recorded in the order dated 21.2.2025 passed by the predecessor of the deponent but the same has been passed only to ensure public safety and maintaining public peace in view of Section 17(3) of the Arms Act 1959”.

12. This Court is of the considered view that the Additional District Magistrate, Sahibzada Ajit Singh Nagar could not have improved upon the impugned order by filing reply. In paragraph No.7, the Additional District Magistrate so states that the petitioner had so stated in the written reply that he has never misused his firearm but his explanation was found to be unsatisfactory and this aspect is also not recorded in the impugned order.

Paragraph Nos.7 and 9 are also reproduced as under:-

“7. That after receiving the above mentioned report and in compliance of principles of natural justice an opportunity of personal hearing was duly given by this office to the petitioner on dated 07.02.2025. In his written reply, the



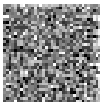
Petitioner/licensee submitted that he is a retired Roadways employee, has never misused his firearm, and that the criminal case registered against him is still pending trial. He further stated that his residence is situated outside the village and, therefore, he requires the firearm for his personal safety. However, upon consideration of the reply and the material available on record, the explanation furnished by the licensee was found to be unsatisfactory.

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9. That the deponent humbly submits that in case, this Hon'ble Court feels that any act of the office of the deponent while passing the order dated 21.2.2025 is contrary to any provision of the law or is violative of the principles of natural justice, then the deponent is not averse to passing a fresh speaking order purely in accordance with law.”

13. In view of the aforesaid facts and circumstances, this Court is of the considered view that although the Additional District Magistrate, Sahibzada Ajit Singh Nagar has submitted that the arms licence of the petitioner cannot be cancelled merely on the ground of the pendency of an FIR but the Additional District Magistrate could not have improved upon the order by filing reply before this Court.

14. In view of the above, the present Civil Writ Petition is allowed. Both the impugned orders dated 21.02.2025 (Annexure P-3) and dated 16.05.2025 (Annexure P-4), are hereby set aside. The matter is remanded back to the Additional District Magistrate, Sahibzada Ajit Singh Nagar to pass a fresh and reasoned order after giving adequate opportunity of hearing to the petitioner or his counsel. It is made clear that the fresh order shall be passed with due application of mind and uninfluenced by the earlier order passed vide Annexure



P-3 as well as the present order passed by this Court as this Court has not observed anything on the merits of the case. The fresh order shall be passed by Additional District Magistrate, Sahibzada Ajit Singh Nagar within a period of three months from today, strictly in accordance with law.

15. The petitioner shall also be entitled to costs, which are assessed at Rs.25,000/- (Rupees Twenty Five Thousand). The aforesaid costs shall be paid by the State to the petitioner, within the aforesaid period of three months from today.

(JASGURPREET SINGH PURI)
JUDGE

13.03.2026
Chetan Thakur

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