

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11854-2023

BRAHMA PRAKASH

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Brahma Prakash, Petitioner in person
(through hybrid mode)

Ms. Ruchi Sekhri, Addl. AG, Haryana

Ms. Mansi, Advocate for respondent no. 5

1.	The date when the judgment is reserved	23.01.2026
2.	The date when the judgment is pronounced	16.03.2026
3.	The date when the judgment is uploaded	16.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Not applicable

SANDEEP MOUDGIL, J

Prayer

1. The jurisdiction of this court has been invoked under articles 226/227 of Constitution Of India praying for quashing for impugned order dated 23.02.2022 (Annexure P-2) and 17.01.2020 (Annexure P-1) whereby grant of fresh arms license to the petitioner was rejected by Respondent No. 2

and 3 respectively with a further prayer to direct Respondent No. 3 to issue him a fresh arms license.

The Conspectus Of Facts

2. The petitioner is an advocate practising in Delhi/NCR who applied for grant of a fresh arms licence on 15.07.2014 before the competent authority at Faridabad for the purpose of self-defence. The said application was initially rejected on 09.10.2015. Aggrieved by the rejection, the petitioner preferred an appeal before the Commissioner, Gurgaon Division. The appellate authority, vide order dated 08.12.2017, allowed the appeal and set aside the rejection order, thereby directing reconsideration of the petitioner's application.

3. Pursuant to the appellate order, the petitioner submitted a representation dated 10.01.2018 along with a copy of the appellate order requesting issuance of the licence. The matter was thereafter sent for verification. After a detailed verification process conducted between January 2018 and July 2018 by the local police authorities, the Deputy Commissioner of Police, Ballabhgarh, vide recommendation dated 11.07.2018, forwarded a favourable report recommending grant of the arms licence to the petitioner. The verification reports recorded that the petitioner was a person of good conduct, had no criminal antecedents, and had applied for the licence for self-defence in view of threats to his life.

4. Further antecedent verification was sought from the police authorities at Varanasi, where the petitioner had earlier resided. The Varanasi police authorities initially submitted reports and recommendations between August 2019 and November 2019 supporting the petitioner's case and

recommending grant of the arms licence. However, subsequently, certain contrary reports were submitted between 29.11.2019 and 03.12.2019, which the petitioner alleges were false, fabricated and made under extraneous influence and in collusion with his brother with whom the petitioner has property disputes. On the basis of the said adverse and allegedly fabricated reports, further verification was again conducted by the Faridabad police in January 2020, after which the Commissioner of Police, Faridabad, passed an order dated 17.01.2020 rejecting the petitioner's application for grant of a fresh arms licence.

5. Aggrieved by the rejection order dated 17.01.2020, the petitioner preferred a statutory appeal before the Divisional Commissioner, Faridabad Division. During the pendency of the appeal, the petitioner also filed an application under Section 195 Cr.P.C. alleging fabrication of official records and false reporting by certain police officials. However, the appellate authority, vide order dated 23.02.2022, dismissed the petitioner's appeal and upheld the order dated 17.01.2020 without dealing with the petitioner's detailed submissions and supporting documents.

6. Aggrieved thereby, the petitioner has approached this Court.

Contentions

On behalf of Petitioner

7. The petitioner appearing in person submits that the impugned order dated 17.01.2020 passed by the Commissioner of Police, Faridabad and the appellate order dated 23.02.2022 passed by the Divisional Commissioner, Faridabad Division are arbitrary and unsustainable as they disregard the

whereby the petitioner's appeal against the initial rejection of his arms licence application was allowed.

8. It is contended that pursuant to the said order, the petitioner's case was subjected to detailed verification and the Deputy Commissioner of Police, Ballabgarh, vide recommendation dated 11.07.2018, submitted a favourable report recommending grant of the arms licence, noting that the petitioner is an Advocate by profession, a person of good conduct and having no criminal antecedents. However, despite the favourable recommendation, the licensing authority did not grant the licence and continued to keep the matter pending.

9. The petitioner further submits that although the police authorities at Varanasi initially submitted favourable verification reports, certain contradictory reports were subsequently generated within a short span of time which, according to the petitioner, were false and motivated due to a property dispute between the petitioner and his brother. It is argued that the licensing authority relied upon these adverse reports while ignoring the earlier favourable recommendations and the petitioner's claim of threat to his life.

10. It is thus contended that the rejection of the petitioner's application is not based on any of the grounds contemplated under Section 14 of the Arms Act, 1959 and that the appellate authority also dismissed the appeal without properly considering the petitioner's submissions and documents. On these grounds, it is prayed that the impugned orders be set aside and the matter be reconsidered in accordance with law.

On behalf of Respondents

11. Learned counsel appearing on behalf of the respondents submits that the present writ petition is misconceived and not maintainable, as the impugned orders dated 17.01.2020 passed by the licensing authority and 23.02.2022 passed by the appellate authority have been passed in accordance with law and the provisions of the Arms Act, 1959.

12. It is contended that during the verification of the petitioner's application, reports were obtained from the police authorities at Faridabad as well as Varanasi. The report received from the Superintendent of Police, Varanasi disclosed that a criminal case under Sections 323, 504, 506 and 427 of the Indian Penal Code was pending against the petitioner and that preventive action had also been taken against him under Section 151 of the Code of Criminal Procedure, 1973. It was further reported that a property dispute was ongoing between the petitioner and his brother and that the petitioner's conduct was not found to be satisfactory.

13. Learned counsel submits that in view of the adverse reports received from the police authorities, both at Varanasi and Faridabad, the licensing authority assessed that the possibility of misuse of arms or disturbance to public peace could not be ruled out. Accordingly, the petitioner's application for grant of arms licence was rejected.

14. It is further submitted that the petitioner's appeal was duly considered by the Divisional Commissioner, Faridabad Division, who found no illegality in the decision of the licensing authority and dismissed the appeal. The allegations regarding fabrication of reports and the application

under Section 195 of the Code of Criminal Procedure, 1973 are stated to be baseless and unsupported by any material. Hence, it is prayed that the present writ petition be dismissed.

15. Heard counsel for both parties and the judgement was kept reserved on 23.01.2026.

Analysis

16. The principal grievance of the petitioner is that the licensing authority as well as the appellate authority failed to consider the earlier favourable police recommendations and instead relied upon allegedly false and fabricated reports received from the police authorities at Varanasi.

17. At the outset, it is necessary to examine the statutory scheme governing the grant of arms licences. The power to grant or refuse an arms licence is regulated by the provisions of the Arms Act, 1959. Under Section 13 of the Act, the licensing authority is empowered to consider an application for grant of licence after making such inquiry as it deems necessary. Section 14 of the Act provides the circumstances under which the licensing authority shall refuse to grant a licence, including situations where the authority considers such refusal necessary for the security of the public peace or for public safety. Relevant provisions are as under:

13. Grant of licences.—

(1) An application for the grant of a licence under Chapter II shall be made to the licensing authority and shall be in such form, contain such particulars and be accompanied by such fee, if any, as may be prescribed.

14. Refusal of licences.—

(1) Notwithstanding anything in section 13, the licensing authority

shall refuse to grant—

(a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II,—

(i) where such licence is required by a person whom the licensing authority has reason to believe—

(1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition; or

(2) to be of unsound mind; or

(3) to be for any reason unfit for a licence under this Act; or

(ii) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.

(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

(3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

The Ministry of Home Affairs guidelines under Section 14 of the Arms Act expressly mandate that no arms licence can be issued without thorough police verification, including antecedents, assessment of threat perception, and capability of the applicant to handle arms safely.

18. The legal position regarding grant of arms licences is well settled that the grant of such licence is not a matter of right but is subject to the satisfaction of the licensing authority regarding the applicant's antecedents, conduct and the impact on public peace and safety. In this regard, reference may be made to the judgment of the full bench of Allahabad High Court in ***Kailash Nath v. State of U.P. 1985 AIR Allahabad 291***, wherein it was held that the licensing authority has wide discretion while considering an

application for grant of an arms licence. The relevant extract of which is produced as under:

In my opinion the obtaining of a licence for acquisition and possession of firearms and ammunition under the Arms Act is nothing more than a privilege and the grant of such privilege does not involve the adjudication of the right of an individual nor does it entail civil consequences. I may, however, hasten to add that even an order rejecting the application for grant of licence may become legally vulnerable if it is passed arbitrarily or capriciously or without application of mind. No doubt, a citizen may apply for grant of a licence of firearms mostly with the object of protecting his person or property but that is mainly the function of the State. Even remotely this cannot be comprehended within the ambit of Article 21 of the Constitution which postulates the fundamental right of protection of life and personal liberty.

19. It is also relevant to note that the Supreme Court in ***Maneka Gandhi v. Union of India* (1978) 1 SCC 248**, emphasized that even fundamental rights can be reasonably restricted by the State in accordance with law. Therefore, the State is duty bound to ensure public safety and order and is under an obligation to ensure that the grant of arms licences does not has an adverse affect on it.

20. In the present case, the authorities acted in accordance with law and the relevant statute while considering the petitioner's antecedents and threat perception before rejecting his application. The record reveals that the petitioner had initially applied for an arms licence in July 2014. The application was rejected in October 2015, against which the petitioner preferred an appeal. The appellate authority vide order dated 08.12.2017

remanded the matter for reconsideration. Thereafter, fresh verification was

undertaken by the concerned authorities.

21. It is true that during the course of the verification conducted in 2018, a favourable recommendation dated 11.07.2018 was submitted by the Deputy Commissioner of Police, Ballabgarh recommending grant of the licence. However, the record further shows that during the process of verification, it came to light that the petitioner had earlier resided in Varanasi and had relied upon the alleged murder of his father as one of the grounds for seeking the licence. Consequently, verification was sought from the police authorities at Varanasi.

22. The report submitted by the Superintendent of Police, City Varanasi disclosed that a criminal case bearing FIR No. 2319 of 2018 under Sections 323, 504, 506 and 427 of the Indian Penal Code was pending against the petitioner. It was also reported that preventive action had been taken against him under Section 151 of the Code of Criminal Procedure, 1973. The report further indicated the existence of a property dispute between the petitioner and his brother and expressed reservations regarding the petitioner's conduct. In view of these circumstances, the Varanasi police authorities did not recommend grant of the licence.

23. Following the receipt of these inputs, the licensing authority again sought verification from the local police authorities at Faridabad. The subsequent reports submitted by the SHO, the Assistant Commissioner of Police and the Deputy Commissioner of Police did not recommend issuance of the arms licence to the petitioner. The reports indicated that in view of the disputes and criminal proceedings involving the petitioner, the possibility of

misuse of arms or disturbance to public peace could not be ruled out.

24. In light of the above material, the Commissioner of Police, Faridabad passed the order dated 17.01.2020 rejecting the petitioner's application. The order records that the decision was taken after considering the police reports received from both Varanasi and Faridabad and upon assessment of the petitioner's antecedents and conduct.

25. The contention raised by the petitioner that the licensing authority ignored favourable reports cannot be accepted. It is settled law that police verification reports are merely inputs for the licensing authority and the authority is entitled to evaluate the entire material on record before arriving at a final decision.

26. In "***State of U.P. v. Jaswant Singh (1973) 1 SCC 702***", the Supreme Court held that the licensing authority is the best judge of the circumstances under which a firearm licence should be granted or refused. Relevant extract is as under:

It is obligatory upon the licensing authority to grant a licence also where an applicant for a licence satisfies the licensing authority that he has good reason for obtaining it. It is clear that Section 13 recognises a right to a licence. Apart from cases where the fire arm is required for protection or sport or crop Protection or for target practice in a Rifle Club or Rifle Association, any one is entitled to it if he has good reason for obtaining it. There must be good reason for obtaining the licence, and that condition regulates the grant of a licence. The requirement has been imposed to prevent an abuse of the right by members of the public. Nonetheless, as soon as the condition is satisfied the grant is obligatory and it is not open to a licensing authority to refuse a licence arbitrarily. The grounds for

refusing a licence have been carefully detailed in Section 14. The licensing authority is forbidden to grant a licence where it is required in respect of any prohibited arms and prohibited ammunition. That is Section 14(1)(a). Section 14(1)(b) provides :

"Refusal of licences : (1) Notwithstanding anything in Section 13, the licensing authority shall refuse to grant -

(b) a licence in " any" other case under Chapter II

(i) where such licence is required by a person whom the licensing authority has reason to believe.

(1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition or.

(2) to be of unsound mind, or

(3) to be for any reason unfit for a licence under this Act; or

(ii) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence."

Section 14(2) enjoins upon the licensing authority not to refuse a licence merely on the ground that the applicant does not own or possess sufficient property. Limited as the power to refuse a licence is by virtue of Section 14(1)(b) and Section 14(2), the licensing authority refusing to grant a licence is, by Section 14(3) required to record in writing the reasons for such refusal and to furnish to the applicant on demand a brief statement of the same unless public interest renders it inexpedient to furnish such statement.

Thus, the Court should not substitute its own opinion for that of the authority unless the decision is manifestly arbitrary or mala fide.

27. Similarly, in the judgement of the Delhi High Court in **Ved Singh v. Addl. Commissioner Of Police Licensing Unit** in W.P.(C) 8506 of 2015 decided on 24.1.2019, it was held that:

*discretion of the Licensing Authority with regard to the threat perception to any individual cannot be interfered with. In **Raj Kumar Pandey v. Additional Commissioner of Police & Anr: LPA No. 44/2016**, the Division Bench of this Court had held that whether a threat perception exists has to be assessed by the investigating agency and it would not be apposite for this Court to foray into determining the said question.*

*22. In **Praveen Kumar Beniwal v. Govt. of NCT of Delhi & Anr. : LPA 41/2015, decided on 29.04.2015**, the Division Bench of this Court had referred to a decision of the Allahabad High Court in **State of U.P. v. Mahipat Singh: 2014 (2) ALJ 443**, wherein it was held that the scheme of the Arms Act and the Rules made thereunder indicate that a wide discretion has been granted to the Licensing Authority and such discretion cannot be confined to the specified categories. The Court had also held that whether there is perception of threat to the security of a citizen has to be considered by the Licensing Authority and the Court would not substitute its opinion for that of the Licensing Authority.”*

28. Applying the aforesaid principle to the facts of the present case, it cannot be said that the decision of the licensing authority suffers from arbitrariness or non-application of mind. The authority has taken into account the reports received from the police authorities, the existence of criminal proceedings, as well as the disputes involving the petitioner before arriving at its conclusion.

29. Another argument of the petitioner that the adverse reports were fabricated or prepared under extraneous influence also cannot be accepted in the absence of any cogent material. Mere allegations against police officials without substantiating evidence cannot be a ground for this Court to disregard the official reports forming part of the record.

30. The petitioner had also relied upon an application allegedly filed under Section 195 of the Code of Criminal Procedure, 1973 alleging

fabrication of records. However, the said provision is attracted only where offences relating to giving or fabricating false evidence in a judicial proceeding are involved. In the present case, no material has been placed before this Court to demonstrate that any such offence has been committed in relation to proceedings before a Court. Therefore, the said contention is devoid of merit.

31. As regards the appellate order dated 23.02.2022 passed by the Divisional Commissioner, Faridabad Division, the record shows that the appellate authority examined the material available on record and concurred with the findings of the licensing authority. Further, the discretionary power under the Arms Act cannot be transformed into a right of entitlement merely because the applicant faces personal threats or disputes. The petitioner cannot dictate how the authorities weigh conflicting reports, especially when adverse material exists.

32. It is also well settled that the power of judicial review under Article 226 of the Constitution is limited to examining the decision-making process and not the merits of the decision itself. The Court does not sit in appeal over the decision of the administrative authority. Allegations of malafide intent, without concrete proof, cannot form the basis for judicial intervention.

33. Consequently, this Court does not find any procedural irregularity or violation of statutory provisions in the decision-making process adopted by the licensing authority or the appellate authority. The authorities have considered the relevant material, including police verification reports and the petitioner's antecedents, before arriving at their conclusion.

Conclusion

34. Having regard to the nature of the power exercised under the Arms Act and the material available on record, this Court is of the considered opinion that the petitioner has failed to establish that the impugned orders dated 17.01.2020 and 23.02.2022 suffer from illegality, arbitrariness or mala fides warranting interference under Article 226 of the Constitution of India. Therefore the petitioner’s writ petition does not merit interference.

35. Accordingly, the present writ petition is hereby dismissed.

36. Pending application(s), if any shall be disposed off, accordingly.

16.03.2026

Meenu

(SANDEEP MOUDGIL)
JUDGE

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