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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-5077-2024 (O&M)
Date of Decision:03.02.2026

Birender

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Anil Kumar Malik, 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 the impugned order dated 28.01.2022 (Annexure P-6) passed by District Magistrate, Hisar and order dated 07.02.2023 (Annexure P-7) passed by learned Commissioner, Hisar Division, Hisar.
2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was holding a valid arms licence, which was valid up to 08.09.2014. He had applied for renewal of the said licence, however, the same was rejected by the District Magistrate, Hisar, vide order dated 28.01.2022 (Annexure P-6), after which the matter was remanded to the District Magistrate, Hisar, by learned Commissioner, Hisar Division,

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Hisar.

3. While referring to Annexure P-6, learned counsel submitted that a perusal of the aforesaid order whereby the arms licence of the petitioner has not been renewed would show that neither any reason, has been assigned nor any material has been mentioned therein and that the order has been passed solely on the basis of recommendation made by the police. He submitted that the aforesaid cannot by itself become a ground for non-renewal of the arms licence, as it is the duty of the licensing authority/District Magistrate to apply its mind in accordance with the provisions of the Arms Act, 1959 and the grounds on which renewal is refused must be reflected in the order. The mere fact that it has been recommended by the police is not, in itself, a valid ground for non-renewal of arms licence. He submitted that in this way, the aforesaid order is a totally non-speaking and cryptic order. Thereafter, the petitioner, being aggrieved by the aforesaid order, filed an appeal under Section 18 of the Arms Act, 1959 before the Commissioner, Hisar Division, Hisar, who also dismissed the appeal of the petitioner vide Annexure P-7 dated 07.02.2023. While referring to the aforesaid order, he submitted that the petitioner was earlier involved in three different FIRs, in which provisions of the Arms Act, 1959 were also invoked, but in all the FIRs, the petitioner has been acquitted. It has been noted by the aforesaid appellate authority that the petitioner has been acquitted in all the FIR, however, without any cogent reason the appeal has been dismissed.

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4. Learned counsel while further referring to the aforesaid order, submitted that it was observed by the Commissioner, Hisar Division, Hisar, that the petitioner had filed an application for renewal of the arms licence after a period of three years and five months, which is contrary to the record and is factually incorrect. In this regard, learned counsel referred to the information obtained under the Right to Information Act, vide letter dated 12.12.2024. A vernacular copy of the said information has been supplied to this Court. The aforesaid document in vernacular is taken on record as Mark 'X' and a copy thereof has been supplied to learned State counsel as well. He submitted that from the report itself, it is very clear that the petitioner had applied for renewal of the arms licence on 23.06.2014, which was even before the expiry of the arms licence scheduled to expire on 08.09.2014, and in this way, the petitioner had applied for renewal of the licence prior to its expiry. Whereas, the finding of the Commissioner, Hisar Division, Hisar, is that there was a delay of three years and five months in filing the application for renewal of the licence, which is contrary to the record itself; therefore, on this ground, the order passed by the Commissioner, Hisar Division, Hisar, is liable to be set aside. He also submitted that it was observed by the Commissioner, Hisar Division, Hisar, that FIRs were registered against the petitioner with regard to allegations of intention to kill and that, although he has been acquitted, his conduct shows criminal conduct and therefore, the appeal was dismissed. He also submitted that this itself again cannot become a ground for non-renewal of

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the licence because in case the authority is to refuse the grant of licence or renewal of the same, it has to be done in accordance with the provisions of the Arms Act, 1959 on the grounds provided under Section 17 of the Arms Act, 1959 but the mere fact that the aforesaid Commissioner, Hisar, *ipse dixit* observed that the petitioner has criminal conduct cannot become a ground for refusal to renew the arms licence, and as such, both the aforesaid orders are liable to be set aside.

5. On the other hand, learned State counsel submitted that there is no dispute regarding the fact that the petitioner has been acquitted in all the FIRs, but considering the order passed by the Commissioner, Hisar Division, Hisar and the allegations against the petitioner with regard to intention to kill, it was on the ground of public safety that the arms licence was not renewed. With regard to the aforesaid observation made by the learned Commissioner, Hisar Division, Hisar, that the petitioner had applied for renewal of the licence with a delay of three years and five months, he submitted that he is not aware of the aforesaid date of application, as it is for the first time that the petitioner has today supplied a copy of the information obtained under the RTI Act.

6. I have heard the learned counsels for the parties.

7. A perusal of the order dated 28.01.2022 passed by the District Magistrate, Hisar, vide Annexure P-6, which was passed after remand by the Commissioner, Hisar Division, Hisar, shows that the same is *ex facie* cryptic and unreasoned. A perusal of the same further shows that it is only

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on the basis of the recommendation of the police that the cancellation of the petitioner's licence was directed whereas cancellation has to be done in accordance with law on the grounds mentioned under the provisions of the Arms Act. The aforesaid order is a short order simply based upon the recommendation of the police and is therefore, unsustainable, being a cryptic and unreasoned order.

8. A perusal of the order (Annexure P-7) passed by learned Commissioner, Hisar Division, Hisar, would show that on two grounds the appeal of the petitioner has been dismissed. Firstly, with regard to the observation made by learned Commissioner that the petitioner had filed the application for renewal of the licence with a delay of three years and five months. Learned counsel for the petitioner, during the course of arguments, has placed on record Mark 'X', which is the information obtained under the Right to Information Act. Therefore, this aspect has to be reconsidered by the concerned authority on the basis of the record as to whether there was a delay in filing the application for renewal of the arms licence and, if so, what is the effect of the same.

9. So far as the second observation made by learned Commissioner with regard to the fact that the conduct of the petitioner is to be seen despite his acquittal in all the three FIRs is concerned, the same is also not in accordance with law. Whenever renewal of a licence is refused or the licence is cancelled, the same has to be done strictly on the grounds mentioned under the provisions of the Arms Act. It cannot be done merely



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on the basis of the *ipse dixit* of the concerned appellate authority.

10. In view of the aforesaid facts and circumstances, the present petition is hereby allowed and order dated 28.01.2022 passed by the learned District Magistrate, Hisar (Licensing Authority) and order dated 07.02.2023 passed by learned Commissioner, Hisar Division, Hisar (Appellate Authority) are hereby set aside. The matter is remanded back to learned District Magistrate, Hisar, to have a fresh look into the grievances of the petitioner regarding renewal of his arms licence and to pass a fresh order strictly in accordance with law.

11. 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 28.01.2022 passed by learned District Magistrate, Hisar and 07.02.2023 passed by learned Commissioner, Hisar Division, Hisar and also the present order passed by this Court.

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

(JASGURPREET SINGH PURI)
JUDGE

03.02.2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No