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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-21909-2025(O&M)

Date of Decision: 16.04.2026

HARBHAJAN SINGH

....Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Yogesh Vashista, 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 quashing of the impugned order dated 13.05.2025 (Annexure P-2), whereby the application filed by the petitioner for arms licence under the Heirloom Policy has been rejected.

2. Learned counsel appearing on behalf of the petitioner submitted that the father of the petitioner namely, Jarnail Singh was holding an arms licence. He however passed away and thereafter, the petitioner filed an application before the District Magistrate/Licensing Authority for issuance of an arms licence to the petitioner under the Heirloom Policy as a legal heir of the original licensee, who was his father. The respondents did not grant him the licence and simply refused the same without passing any speaking order and thereafter, the petitioner filed a writ petition before this Court,



which was disposed of by a Coordinate Bench of this Court vide Annexure P-1 dated 26.03.2025 by directing that respondent No.2 will take a fresh decision and pass a reasoned order within three months from the date of the order. He submitted that the respondents passed Annexure P-2 dated 13.05.2025, which is the impugned in the present petition and this order was passed by the District Magistrate, Karnal by observing that there is no necessity to grant an arms license because the petitioner was working as an Executive Engineer and he had sufficient security when he is on duty. He further submitted that the aforesaid order cannot be considered to be a reasoned order in view of the fact that once the petitioner had filed an application for the grant of an arms licence under the Heirloom Policy, then the provisions of Rule 25 of the Arms Rules were required to be complied with and the procedure contained therein was required to be adhered to. He also submitted that a person who applies under the Heirloom Policy as a legal heir is not treated at par with any other individual who does not apply as a legal heir because separate procedure has been provided under Rule 25 of the Arms Rules, which was neither referred to nor adhered to by the Licensing Authority and therefore, the petitioner has filed the present petition challenging the aforesaid order (Annexure P-2), even though there was a provision for appeal under Section 18 of the Arms Act because the order itself is cryptic and liable to be set aside.

3. On the other hand, Mr. Chirag Wadhwa, learned Deputy Advocate General, Haryana has submitted that there is no dispute with regard to the fact that the petitioner had filed an application under the Hairloom Policy and his case was required to have been considered under Rule 25 of the Arms Rules but the same has not been referred to in the



aforesaid order and therefore, he is not able to controvert the argument raised by the learned counsel for the petitioner that Rule 25 of the Arms Rules was not even considered by the Licensing Authority.

4. Learned State counsel submitted that however in the reply filed by the State, it has been stated that the petitioner did not require any arms licence because he was working as an Executive Engineer and whenever he was on duty, then sufficient security was provided to him and therefore his application was rejected.

5. I have heard the learned counsel for the parties.

6. This is a second round of litigation filed by the petitioner. Earlier, when his application was rejected by simply refusing to grant him a licence, he challenged the action of the respondents and a Coordinate Bench of this Court vide Annexure P-1 disposed of the petition by directing the Licensing Authority to take a fresh decision and pass a reasoned order. The relevant portion of the aforesaid order (Annexure P-1) contained in para No.8 to 13 are reproduced as under:-

*“8. As per Section 14(3) of the 1959 Act when a licensing authority refuses to grant the license to any person it **shall** record in writing reasons for such “refusal”.*

9. Admittedly, no reasons were recorded in writing for such “refusal” and no speaking order was passed recording the reasons for such “refusal” to grant of arms license to the petitioner in ‘family heirloom category’.

10. To the mind of this Court, respondent No.2 has failed to comply with mandatory statutory requirement. Therefore, the order of “refusal” passed on petitioner’s file is set aside. Respondent No.2 will take a fresh decision on file No.163/LC dated May 18, 2021 and pass a reasoned order within 3 months from the date of this order. In the event the



authorities are inclined to decide against the interest of the petitioner, Respondent No.2 shall provide the petitioner with an opportunity for a personal hearing.

*11. With the directions aforesaid, CWP-2960-2025 is **disposed of.***

12. Connected applications, if any, are also accordingly disposed of.

13. Needless to mention here that in view of being passed, this Court is not inclined to call for reply of respondent/State at this stage.”

7. It was thereafter that the present impugned order (Annexure P-2) was passed by the District Magistrate, who is stated to be the Licensing Authority. It is not in dispute that the father of the petitioner namely, Jarnail Singh was holding an arms licence, who passed away and the petitioner moved an application under the Heirloom Policy for the grant of an arms licence. Rule 25 of the Arms Rules provides for the procedure for grant of licences to legal heirs. A procedure has been prescribed with regard to the same but the impugned order does not even refer to the aforesaid Rule and has treated the petitioner at par with a normal person who did not apply under the Hairloom Policy or under the aforesaid Rule. The Licensing Authroity dealt with the general provisions of the grant or non-grant of licence, whereas there is a specific provision for the grant of licence to the legal heir under Rule 25 of the Arms Rules, 2016, which was not noted by the Licensing Authority.

8. This Court also had an occasion to deal with a similar kind of situation, whereby the Licencing authroity and the Appellate Authority did not deal with Rule 25 and had allowed the writ petition bearing CWP No.

32940 of 2025, setting aside the order and remanding the case back to the



concerned authority. In the present case as well, although there is a provision for filing of a statutory appeal under Section 18 of the Arms Act, but this Court is of the considered view that non-adhereing to the filing of the statutory appeal cannot put an embargo upon the petitioner for filing a petition before this Court under Article 226 of the Constitution of India when the order itself is *ex facie* illegal, perverse and cryptic in nature and especially when the present is a petition whereby the petitioner has been constrained to file a second round of litigation.

9. A perusal of the impugned order (Annexure P-2) would show that it is recorded by the Licensing Authority that the petitioner when appointed as a Duty Magistrate gets sufficient security and thereafter by one stroke of a pen, the District Magistrate recorded that there is no necessity to grant arms licence to the petitioner, whereas no reference was made to the right of the petitioner to be considered under the Heirloom Policy and application of Rule 25 of the Arms Rules. Therefore, the impugned order is on the face of it, a cryptic and illegal order, whereby no such right vested in the petitioner under Rule 25 of the Arms Rules has even been touched by the District Magistrate notwithstanding the fact that the present was a second round of litigation whereby for the second time, the District Magistrate was required to pass an order in pursuance of a direction issued by a Coordinate Bench of this Court as aforesaid.

10. Once a direction has been issued by a Coordinate Bench of this Court for passing a speaking order, it was incumbent upon the District Magistrate to have considered the provisions of law which were required to be considered for the purpose of grant or non-grant of licence to the petitioner i.e. Rule 25 of the Arms Rules under the Heirloom Policy.



Although it is always within the wisdom of the District Magistrate, who is the Licensing Authority, to grant or not grant a licence but the District Magistrate has to act and pass an order within the parameters of law and the present is a case where the District Magistrate has failed to exercise his jurisdiction and power under Rule 25 of the Arms Rules

11. Not only this, when reply was filed by the District Magistrate before this Court to the present writ petition an objection was taken in para No.2 that the petitioner is not entitled to invoke the extra ordinary jurisdiction of this Court by way of filing the present writ petition under Article 226 of the Constitution of India because no fundamental right of the petitioner has been infringed or violated. It is very strange and rather not understandable as to how such kind of objection can be taken by the District Magistrate, whereby the petitioner seeks consideration for grant of arms licence to protect his life and therefore, Article 21 of the Constitution of India is directly invoked by the petitioner. Such kind of objection being taken by the District Magistrate is uncalled for.

12. A second objection was taken by the District Magistrate in the reply filed that the petitioner is estopped by his own act and conduct from filing the present petition. Again it is very strange and not understandable as to how the petitioner is estopped by his own act and conduct from filing the present petition.

13. A third objection was taken by the District Magistrate that the present writ petition is not maintainable in the present form and the petitioner has been twisting and distorting the facts, which is again unexplained. Such kind of reply filed by the District Magistrate is deprecated by this Court.



14. In view of the aforesaid facts and circumstances, the present petition is allowed with costs of Rs. 25,000/- (Rupees Twenty Five Thousands). The impugned order dated 13.05.2025 (Annexure P-2) is hereby set aside. The matter is remanded back to the Licensing Authority i.e the District Magistrate, Karnal to pass a fresh and reasoned order after considering Rule 25 of the Arms Rules, 2016 and 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-2 as well as the present order passed by this Court. The fresh order shall be passed by the Licensing Authority within a period of three months from today, strictly in accordance with law.

15. The State of Haryana is directed to pay the aforesaid costs to the petitioner within a period of three months from today. After the payment of the aforesaid costs, the State of Haryana shall be at liberty to recover the costs from the concerned District Magistrate who passed the impugned order and who filed the reply before this Court by raising aforesaid frivolous objections.

16. To put up for compliance purposes after three months.

16.04.2026

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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