



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

205

CWP-21975-2023 (O&M)

Date of Decision:10.04.2026

Sanjay

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Kirti Sharma, 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 order dated 29.03.2023 (Annexure P-3) passed by respondent No.3 and the order dated 29.05.2023 (Annexure P-5) passed by respondent No.2, whereby the application of the petitioner for renewal of the arms licence has been declined.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner had applied for renewal of his arms licence before the licensing authority i.e. District Magistrate, Jhajjar but by way of the impugned order dated 29.03.2023 (Annexure P-3), the renewal of the petitioner's arms licence was declined under the provisions of Section 17 of the Arms Act (hereinafter referred to as "the Act") on the ground that the petitioner was involved in two cases, out of which he has already been acquitted in one case whereas in the other case he is still facing trial.



Learned counsel further submitted that there is no doubt that the licensing authority has the power to cancel or decline renewal of the licence but the same has to be exercised within the parameters of law after being satisfied that any of the conditions contained under Section 17 of the Act are fulfilled. She further submitted that it is settled law that mere pendency of an FIR or a trial does not constitute a ground for non-renewal of the licence.

3. She also submitted that in one of the FIRs, which was under Sections 279, 337 and 338 IPC, the petitioner has already been acquitted on 11.02.2020, and this aspect has been duly noticed by learned District Magistrate, Jhajjar. With regard to the second FIR, which was under Sections 307 and 34 IPC and also under the Arms Act, the petitioner was not initially named in the FIR and was later arraigned as an accused on the basis of a disclosure statement made by a co-accused. Furthermore, there were no allegations regarding recovery of any weapon or misuse of the arms licence by the petitioner and therefore if the safety of the public was at stake, learned District Magistrate, Jhajjar ought to have recorded satisfaction as to how and on what material there was threat to public safety so as to fall within the ambit of Section 17 of the Act but the same has not been mentioned in the impugned order. She further submitted that aggrieved thereby the petitioner preferred an appeal (Annexure P-4), but the Divisional Commissioner, Rohtak, vide order dated 29.05.2023 (Annexure P-5), dismissed the appeal by passing a cryptic and non-speaking order, merely observing that since a criminal case is pending



against the petitioner under Sections 307, 120-B and 34 IPC and Sections 25, 54 and 59 of the Arms Act and therefore the possession of the arms licence was not appropriate for the safety of the general public. She submitted that the aforesaid order is non-speaking and has been passed without considering the grounds raised in the appeal. She again referred to the grounds of appeal (Annexure P-4), wherein detailed grounds have been taken and pointed out that there was no allegation regarding misuse of the arms licence by the petitioner. She submitted that the impugned order is wholly cryptic and non-speaking and is liable to be set aside.

4. On the other hand, learned State counsel submitted that learned District Magistrate, Jhajjar has declined renewal of the arms licence of the petitioner on the ground that there was a serious case against the petitioner pertaining to Section 307 IPC and under the Arms Act. He further submitted that it was for this reason that the licensing authority did not renew the licence of the petitioner. He further submitted that, so far as the order (Annexure P-5) passed by the Divisional Commissioner, Rohtak is concerned, detailed reasons have not been mentioned regarding which there is no dispute. He further submitted that in the reply filed by the respondent-State, the reasons for refusal to renew the licence of the petitioner have been duly mentioned.

5. I have heard the learned counsels for the parties and have also perused the impugned orders passed by the authorities.

6. Although the District Magistrate, Jhajjar did not renew the licence of the petitioner on the ground of pendency of trial against him,



when the petitioner filed an appeal before the appellate authority, detailed grounds were taken vide Annexure P-4. However, the appellate authority did not consider the grounds of the appeal and straightaway dismissed the same by merely observing that the aforesaid case is pending.

7. It is a settled law that mere pendency of an FIR or trial itself cannot become a ground for non-renewal of a licence unless the licensing authority comes to a satisfaction, based upon material that any of the parameters of Section 17 of the Arms Act are satisfied. The satisfaction of the licensing authority is *sine qua non* for the purpose of non-renewal/non-grant of an arms licence and for that purpose there has to be some material on record on the basis of which learned District Magistrate or the competent licensing authority can exercise the powers vested in him to decline the same.

8. It is well settled that reasons are the soul of an order, especially when the same is passed by a quasi-judicial authority in exercise of its statutory powers. Although it is always within the discretion of the licensing authority to either grant or not grant a licence, it was incumbent upon the appellate authority to consider the grounds taken in the appeal and thereafter, after discussing the same, to pass a reasoned order, which is absent in the present case.

9. So far as the arguments raised by learned State counsel that the reasons have been justified in the reply filed by the respondent-State are concerned, this Court is of the considered view that once a writ petition has been filed and a reply is submitted by the respondent-State, the reply so



filed cannot improve upon the order passed by the authority in a quasi-judicial capacity. Therefore, any reasons, if so mentioned in the reply filed by the respondent-State, are of no consequence.

10. Consequently the present writ petition is partly allowed and the impugned order dated 29.05.2023 (Annexure P-5) passed by the Appellate Authority i.e. Divisional Commissioner, Rohtak is hereby set aside and the matter is remanded back to the appellate authority to consider and decide the appeal afresh by considering all the grounds taken by the petitioner in the appeal.

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 earlier order dated 29.05.2023 passed by the Divisional Commissioner, Rohtak and the present order passed by this Court, as this Court has not made any observation on the merits of the case.

12. Needless to say, a speaking order shall be passed in accordance with law and after giving adequate opportunity of hearing to petitioner or his counsel.

(JASGURPREET SINGH PURI)
JUDGE

10.04.2026

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No