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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-22824-2023
Date of Decision: 19.01.2026

Sushil Kumar

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Seenu Rapriya, Advocate for
Mr. H.P.S. Ishar, Advocate
for the petitioner.

Mr. R.S. Budhwar, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the order dated 12.12.2022 (Annexure P-8) passed by respondent No.3 vide which licence of the petitioner has been cancelled and also the order dated 31.05.2023 (Annexure P-11) passed by respondent No.2 whereby a statutory appeal filed by the petitioner has also been dismissed.

2. Learned counsel for the petitioner submitted that vide impugned order dated 12.12.2022, the arms licence of the petitioner has been cancelled by learned District Magistrate (Annexure P-8) only on the ground of pendency of two FIRs against him and out of the said FIRs, one pertains to a matrimonial dispute i.e. FIR No.77, dated 02.09.2016, registered under Sections 498-A, 406, 323, 506 & 34 IPC and the other is FIR bearing No.606, dated 17.10.2019 under Sections 323, 324 & 506 IPC and it is a

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settled law that mere pendency of FIR itself cannot become a ground for cancellation of arms licence unless the Licensing Authority comes to conclusion that it falls under any of the grounds mentioned under Section 17 of the Arms Act which includes that if the licensing authority deems it fit and necessary for the security of public peace or for public safety to suspend or revoke the licence. However, no such ground has been mentioned in the aforesaid order passed by the Licensing Authority.

3. Learned counsel for the petitioner referred to the aforesaid provisions of Section 17 of the Arms Act in this regard. She further submitted that when the petitioner filed an appeal before learned Divisional Commissioner, Rohtak Division i.e. the Appellate Authority, he merely referred to the submissions of the parties and dismissed the appeal without recording any concrete reasons whatsoever. She submitted that reasons are the soul of an order and the Divisional Commissioner, Rohtak Division has only stated that the order passed by learned District Magistrate, who is the Licensing Authority, was in accordance with law. It was, however, incumbent upon the Appellate Authority to have independently considered the grounds raised in the appeal and assign specific reasons while passing the order. Consequently, the order passed by learned Appellate Authority is cryptic, non-speaking and is liable to be set aside on this ground alone.

4. On the other hand, Mr. R.S. Budhwar, learned Addl. AG, Haryana submitted, on instructions from SI Surender Singh, D.P.O. Rohtak, who is present in Court today that so far as the FIR No.606, dated 17.10.2019, under Sections 323, 324 & 506 IPC is concerned, the petitioner already stands acquitted in the same and so far as the second FIR which is pertaining to matrimonial dispute is concerned, the same is still pending.



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5. On a query being raised to learned State Counsel regarding the nature of the order passed by the Appellate Authority being cryptic and non-speaking, to which he could not controvert.

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

7. The licence of the petitioner was cancelled on the ground of pendency of two FIRs, out of which, now the petitioner has been acquitted in one. A Co-ordinate Bench of this Court in “**Brijesh Kumar Vs. State of Haryana and other**” 2021(4) RCR (Civil) 47 held that mere pendency of an FIR itself cannot become a ground for cancellation of the arms licence unless the Licensing Authority is satisfied with regard to the grounds which have been mentioned under Section 17 of the Arms Act. Therefore, on this ground, the order (Annexure P-8) passed by Licensing Authority is liable to be set aside. A perusal of the order dated 31.05.2023 (Annexure P-11) passed by the Appellate Authority *ex facie* shows that not even a single reason has been assigned by the Appellate Authority. It is very interesting to note that the Divisional Commissioner, Rohtak Division, who is the Appellate Authority has so observed in the impugned order that he, after considering the prayer in the appeal and on analytical examination of the order of the District Magistrate, Rohtak as well as the records on the file and after brainstorming on the points raised by both the parties, has dismissed the appeal without assigning a single reason wherein no reason has been given by him. Therefore, the aforesaid order passed by the Appellate Authority is liable to be set aside on this ground alone.

8. Consequently, the present petition is allowed. Both the impugned orders (Annexure P-8 & P-11) are hereby set aside. The matter is remitted back to the Licensing Authority to pass a fresh order in accordance

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with law after hearing the petitioner or his counsel. The Licensing Authority shall pass a fresh order with fresh application of mind and strictly in accordance with the provisions of Section 17 of the Arms Act and also uninfluenced by the earlier orders passed by the Licensing Authority, the Appellate Authority or even the order passed by this Court because this Court has not made any observation on the merits of the case. The fresh order shall be passed within a period of three months from today.

19.01.2026*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |