



CWP-24915-2025 (O&M) 1

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

207

**CWP-24915-2025 (O&M)
Date of Decision:22.01.2026**

Virender Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Balwinder Singh Jolly, Advocate for the petitioner.

Mr. Udit Garg, Addl. A.G. 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 setting aside/quashing the order dated 21.07.2025 (Annexure P-1), whereby the arms licence of the petitioner has been cancelled.

2. Learned counsel appearing on behalf of the petitioner submitted that the arms licence of the petitioner was cancelled on 21.07.2025 by the Deputy Commissioner of Police (Headquarters), Sonipat vide Annexure P-1. He further submitted that the aforesaid Deputy Commissioner of Police, Sonipat, had issued a notice to the petitioner on 16.07.2025 vide Annexure P-4, whereby he was directed to file a reply within a period of seven days. In compliance thereof, the

**CWP-24915-2025 (O&M) 2**

petitioner filed his reply on 22.07.2025 vide Annexure P-4 (colly) which is attached at page No.27 of the paper-book. However, the Deputy Commissioner of Police (Headquarters), Sonipat passed the impugned order of cancellation on 21.07.2025, i.e. before the date of submission of the reply to the show cause notice and also before the expiry of the stipulated period of seven days, and therefore, the issuance of the notice was merely an empty formality.

3. He further submitted that in the present case, notice of motion was issued on 26.08.2025 for 10.09.2025. Thereafter, before the next date of hearing fixed before this Court, the same Deputy Commissioner of Police (Headquarters), Sonipat passed another order dated 07.09.2025 and again cancelled the licence of the petitioner, which already stood cancelled vide Annexure P-1. Thus, by way of the aforesaid order, the Deputy Commissioner of Police (Headquarters), Sonipat cancelled the arms licence which was not even in existence as it had already been cancelled earlier. He contended that the action of the aforesaid Deputy Commissioner of Police (Headquarters), District Sonipat was not only perverse and illegal but also *mala fide* in nature. Therefore, both the orders, i.e. the order Annexure P-1 and the subsequent order dated 07.09.2025 passed during the pendency of the present petition, are liable to be set aside.

4. On the other hand, learned State counsel submitted that it is an admitted position that the subsequent order dated 07.09.2025 was passed by the Deputy Commissioner of Police (Headquarters), District Sonipat. A copy of the said order has been furnished in Court and is taken on record as Mark 'X'. Similarly, the reply filed on behalf of the

**CWP-24915-2025 (O&M) 3**

respondent-State is also taken on record. The Registry is directed to tag the order dated 07.09.2025 and the reply filed on behalf of the respondent-State at an appropriate place in the paper book

5. He submitted that he cannot dispute the mistake committed by the Deputy Commissioner of Police (Headquarters), District Sonipat in passing the impugned order (Annexure P-1) as well as the subsequent order dated 07.09.2025. He further submitted that once the petition was pending before this Court, the order (Annexure P-1) could not have been reviewed on its own, nor could a separate cancellation order have been passed. He further submitted that, be that as it may, permission may be granted to the respondent-State to pass a fresh order in accordance with law by giving an adequate and proper opportunity to the petitioner, with further liberty to the petitioner to submit any document which he may wish to rely upon. He submitted that thereafter the concerned authority shall pass an appropriate order in accordance with law with regard to the grievance of the petitioner pertaining to the aforesaid cancellation of the arms licence.

6. At this stage, learned counsel for the petitioner submitted that the aforesaid Deputy Commissioner of Police (Headquarters), District Sonipat, who is authorized to consider the cancellation of the arms licence, has twice passed orders, which have not been controverted by the learned State counsel and are tainted with *mala fides*. He submitted that he has an apprehension that a similar order may again be passed by the same officer. Therefore, he prayed that a superior officer be directed to pass a fresh order in accordance with law and not the aforesaid officer.

**CWP-24915-2025 (O&M) 4**

7. To the aforesaid submission, learned State counsel submitted that the respondent-State has no objection in case a superior officer is directed to pass a fresh order in accordance with law.

8. In view of the aforesaid facts and circumstances, the present petition is hereby allowed and the impugned order (Annexure P-1) as well as the subsequent order dated 07.09.2025 are hereby set aside.

9. This Court, considering the peculiar and special circumstances of the case, is of the view that the Deputy Commissioner of Police (Headquarters), District Sonipat should not pass a fresh order and that any other superior officer should pass the order after giving an adequate opportunity to the petitioner in accordance with law.

10. Accordingly, it is directed that the Commissioner of Police, Sonipat shall consider the matter afresh and pass a fresh order after due application of mind and after affording an adequate and proper opportunity of personal hearing to the petitioner. The fresh order shall be passed within a period of one month from today, after a fresh application of mind, and shall remain uninfluenced by the earlier two orders passed by the Deputy Commissioner of Police (Headquarters), District Sonipat.

11. The petitioner shall also be at liberty to produce any document before the Commissioner of Police, Sonipat in support of his case.

(JASGURPREET SINGH PURI)
JUDGE

22.01.2026

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No