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

**CWP-14631-2022(O&M)
Date of decision : 20.04.2026**

Avtar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH
NALWA**

Present: Mr. P.P.S. Duggal, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

DEEPINDER SINGH NALWA, J. (Oral)

In the present writ petition, the petitioner is praying for issuance of a writ in the nature of certiorari for setting aside the order dated 03.05.2019 (Annexure P-1) passed by the Additional District Magistrate, Sahibzada Ajit Singh Nagar, Mohali, vide which the request of the petitioner for renewal of arms licence was rejected and Arms Licence No. DM/SAS/DUP/KHRR/0116/23 and old Licence No. 1317/PS Kharar/DM/SAS Nagar, issued to the petitioner, were suspended/revoked till the pendency of criminal proceedings. The petitioner has also challenged the order dated 05.11.2019 (Annexure P-2) passed by the Divisional Commissioner, Rupnagar, i.e. the



Appellate Authority, vide which the appeal preferred by the petitioner against the order dated 03.05.2019 (Annexure P-1), was dismissed.

2. The brief facts of the case are that the petitioner was holder of the arms licences i.e. Arms Licence No. DM/SAS/DUP/KHRR/0116/23 and old Licence No. 1317/PS Kharar/DM/SAS Nagar, under which certain weapons were duly endorsed. The validity of said licences were duly extended from time to time. The petitioner applied for renewal of the said licences and deposited the requisite fee on 15.12.2017. The said application for renewal of the arms licence was considered by the Competent Authority. The Competent Authority declined the request of petitioner for renewal of licences and the arms licences were suspended/revoked vide order dated 03.05.2019 (Annexure P-1). A perusal of the said order reveals that the sole ground for non-renewal/revocation of the petitioner's arms licences was because of registration of multiple FIRs against the petitioner. It was further observed therein that in the event of acquittal in the abovesaid criminal proceedings, the petitioner may apply afresh for renewal of the licence. Aggrieved by the order dated 03.05.2019 (Annexure P-1), the petitioner preferred an appeal before the Divisional Commissioner, Rupnagar. The said appeal was dismissed vide order dated 05.11.2019 (Annexure P-2), also on the ground of pendency of FIRs against the petitioner. Aggrieved against the aforesaid orders, the petitioner has approached this Court by way of the present writ petition.



3. Learned counsel appearing for the petitioner submits that a perusal of the impugned order dated 03.05.2019 (Annexure P-1) would show that the application submitted by the petitioner for renewal of arms licences has been rejected solely on the ground that multiple FIRs have been registered against the petitioner. He submits that out of the three FIRs, two FIRs bearing No.126 dated 10.09.2015 and No.153 dated 06.11.2016 have already been quashed, while criminal proceedings in FIR No.128 dated 21.07.2017 remains still pending. He further submits that it is well settled law that mere registration or pendency of an FIR cannot constitute a valid ground for denial of renewal of an arms licence. In support of this contention, reliance has been placed upon the judgment passed by this Court in ***CWP No. 20627 of 2020*** titled as ***Neeraj Jindal vs. State of Punjab and others, decided on 26.08.2022.***

4. On the other hand, learned State counsel submits that in terms of sub-clause (b) of sub-Section (3) of Section 17 of the Arms Act, 1959, the licensing authority is empowered to suspend/revoke the arms licence if it deems it necessary for the security of public peace or public safety, as such, the impugned orders passed by the respondents are legal and valid.

5. I have heard learned counsel for the parties at length and perused the paper-book along with records.

6. A perusal of the facts of the case would show that the sole basis for denial of renewal of the petitioner's arms licences is on the basis of registration of FIRs against the petitioner. A perusal of the



impugned order dated 03.05.2019 (Annexure P-1) would show that no finding has been recorded by the Authority to an effect that renewal of the licences would be prejudicial for the security of the public peace or for public safety. It is well settled that mere pendency of FIRs cannot be made the sole ground for refusal of renewal or suspension/revocation of an arms licence in light of the relevant rules.

7. In view of the law laid down by this Court in ***Neeraj Jindal's case (supra)*** which could not be distinguished by the learned State counsel, the impugned orders dated 03.05.2019 (Annexure P-1) and 05.11.2019 (Annexure P-2) are hereby quashed. The Competent Authority/Additional District Magistrate, S.A.S. Nagar, Mohali, is directed to reconsider the case of the petitioner for renewal of arms licence and pass a fresh order in accordance with law, within a period of one month from the date of receipt of a certified copy of this order.

8. Accordingly, the present writ petition stands allowed in the aforesaid terms.

9. Pending application(s), if any, shall also stand(s) disposed of.

20.04.2026

(DEEPINDER SINGH NALWA)

d.gulati

JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No