IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101 **CWP-1009-2021**
Date of Decision : September 24, 2026

SURENDER **-PETITIONER**

V/S

STATE OF HARYANA AND OTHERS **-RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Surender Saini, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

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KULDEEP TIWARI, J. (ORAL)

1. The instant writ petition calls in question the legality and validity of the orders dated 27.02.2020 and 22.10.2020 passed by the Deputy Commissioner, Sonipat, and the Divisional Commissioner, Rohtak Division, Rohtak, respectively. Vide the former order, the arms licence of the petitioner was revoked, whereas, vide the latter order, the statutory appeal preferred by him against the order of revocation was dismissed.

2. The relevant facts, stated concisely, are that the petitioner, being the holder of an arms licence, was served with a show-cause notice by the Deputy Commissioner on the allegation that he had handed over his licensed firearms to his nephew, namely Ankush, who had uploaded photographs of himself with the said firearms on Facebook. Treating such conduct as being in contravention of the terms and conditions of the licence and the applicable statutory provisions, proceedings under Section 17(3)(b) of the Arms Act, 1959, were initiated. The petitioner appeared before the Deputy Commissioner and submitted his reply to the show-cause notice. However, upon finding the

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explanation furnished by the petitioner to be unsatisfactory and after affording him due opportunity of hearing, the Deputy Commissioner revoked his arms licence vide the impugned order dated 27.02.2020.

3. Assailing the impugned orders, learned counsel for the petitioner submits that there is no material on record to establish that the petitioner's conduct posed any threat to public peace or safety, or that the arms licence was ever misused by him. It is further submitted that, pursuant to the order dated 08.03.2021 passed by a Coordinate Bench, an inquiry was conducted on the specific contention of the petitioner that the firearms depicted in the photographs did not belong to the petitioner's licensed arms. The inquiry report records that, owing to the poor quality of the photographs, the firearms could not be matched with the firearms covered under the petitioner's arms licence. It is, therefore, contended that the petitioner ought to be given the benefit of doubt and the impugned orders deserve to be set aside. It is further submitted that the authorities erroneously concluded that the firearms depicted in the photographs belonged to the petitioner merely on the basis of the statements of the petitioner and his nephew, Ankush.

4. *Per contra*, learned State counsel submits that it is an open and shut case, inasmuch as the petitioner, during the course of hearing before the Deputy Commissioner, himself admitted that his nephew, Ankush, had taken out the licensed firearms in his absence, which were subsequently misused by him. It is, therefore, contended that the petitioner cannot now retract from his own admission made before the Deputy Commissioner.

5. This Court has considered the rival submissions advanced on behalf of the parties and has perused the record.

6. It is not disputed that Ankush (nephew of the petitioner) uploaded

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certain photographs on a social-media platform in which firearms are visible. A perusal of the said photographs indicates that Ankush was in possession of the firearms on several occasions. The question that, therefore, arises for consideration is whether the firearms depicted in the photographs belonged to the petitioner.

7. The Coordinate Bench, vide order dated 08.03.2021, directed an inquiry into the aforesaid aspect. The inquiry report specifically records that Ankush made a confessional statement admitting that he had uploaded photographs on the social-media platform while in possession of the licensed firearms of the petitioner. The inquiry report further reflects that FIR No.48 dated 17.04.2021, under Sections 25/30/54/59 of the Arms Act, 1959, was registered at Police Station Mohana, District Sonipat, in respect of the misuse of the firearms against the petitioner and his nephew, Ankush.

8. In the considered view of this Court, even if the findings recorded in the inquiry report are kept out of consideration, the petitioner cannot escape the consequence of his own admission, as recorded in the impugned order passed by the Deputy Commissioner, the relevant portion whereof is reproduced hereinafter. In view of the specific admission made by the petitioner regarding his nephew taking out the licensed firearms in his absence, the contention advanced by learned counsel for the petitioner disputing the identity of the firearms depicted in the photographs loses its significance.

> *"Thereafter, giving an opportunity of personal hearing to the licensee, notice was issued to him. On 13.02.2020, licensee was given personal hearing, during the proceedings, the licensee got recorded his statement that his nephew (sister's son) in his absence has took out the arm and uploaded his photo on Facebook. The licensee apologized for that and ensured to follow all the conditions of the arms licence in the future."*

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9. This Court has examined the impugned orders. Since this Court is exercising its supervisory jurisdiction envisaged under Articles 226 and 227 of the Constitution of India, it cannot sit as a court of appeal over the orders passed by the subordinate courts, tribunals or statutory authorities. The scope under the aforesaid constitutional provisions is limited to ensuring that the authorities remain within their jurisdiction and act in accordance with the jurisdiction conferred upon them.

10. No patent perversity or illegality has surfaced so as to require interference by this Court with the impugned orders. The impugned orders have been passed after due compliance with the principles of natural justice. This Court should not interfere merely because a different view is possible or another interpretation of the evidence may be taken, as is sought to be canvassed by learned counsel for the petitioner. There is neither any error of law nor have the impugned orders been passed without jurisdiction or in disregard of the powers conferred upon the authorities under the Arms Act, 1959. Therefore, the impugned orders meet the test of legality and are hereby affirmed.

11. In summa, the instant writ petition, being devoid of merit, is hereby **dismissed**.

(KULDEEP TIWARI)
JUDGE

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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No

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