

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

**CRA-S-393-SB of 2004 (O&M)**  
**Date of decision:18.02.2015**

Harmeet Singh

... Appellant

Versus

State of Punjab

...Respondent.

**CORAM: HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA**

Present: None for the appellant.

Ms. Munisha Gandhi, Addl. Advocate General, Punjab.

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**ASHUTOSH MOHUNTA, J. (Oral)**

Appellant-Harmeet Singh has filed this appeal challenging the judgment dated 27.01.2004 passed by Additional Sessions Judge (Adhoc), Fast Track Court, Ludhiana, vide which the appellant was convicted under Section 25 of the Arms Act and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- and in default of payment of fine to further undergo rigorous imprisonment for three months.

Briefly the facts of the case are that on 07.01.2001, ASI Diwan Singh received wireless message from S.H.O., P.S. Jagraon, that the accused-Harmeet Singh along with another person were present near Drain Bridge of village Sohian being armed with deadly weapons and were preparing to commit dacoity. On receipt of the

information, Inspector Baldev Singh constituted different police parties and conducted raid at different places and apprehended the accused-Harmeet Singh and his co-accused.

The accused-Harmeet Singh was arrested and from his personal search .315 bore rifle was recovered along with one belt having 12 live cartridges. Four live cartridges were also loaded in the rifle. The .315 bore rifle along with live cartridges were taken into possession and were sealed bearing impression DS. The accused was challaned under Section 399/402 IPC as well as under Section 25 of the Arms Act.

The accused pleaded not guilty to the charges framed under Section 313 Cr.P.C. before the trial Court. The prosecution in order to prove its case examined PW-1 Prabhjit Singh Ahlmad, District Magistrate, Ludhiana and PW-2 HC Jasmel Singh. The seal of the rifle and cartridges was broken open and the rifle was tested and vide report Ex.PB the rifle was found to be in working condition. PW-3 ASI Diwan Singh, Investigating Officer and PW-4 C. Dalwinder Singh, one of the recovery witnesses were also examined who were witnesses to the recovery of the weapon and the live cartridges.

After going through the entire evidence, the trial Court found the evidence led by the prosecution to be cogent and accordingly, convicted the accused under Section 25 of the Arms Act

and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-

At the outset, it is observed that the accused has already undergone approximately 2 months of actual sentence. Prosecution in this case was launched on 07.01.2001, that is more than 14 years ago. The rifle recovered from the appellant-accused was not used and was stolen property and the possession of which has already been taken by the owner on superdari.

Keeping in view the fact that the accused has faced a long and protracted trial for more than 14 years and has also undergone actual imprisonment for 2 months, therefore, I uphold the conviction of the appellant under Section 25 of the Arms Act, however, I reduce the sentence of the appellant to the one already undergone by him.

Disposed of with the above terms.

**(ASHUTOSH MOHUNTA)**  
**JUDGE**

18.02.2015  
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