

In the High Court of Punjab and Haryana at Chandigarh

Crl. Appeal No. S-2389-SB of 2003

Date of Decision: 07.01.2015

Abhishek

.....Appellant

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sandeep Verma, Advocate for
Mr. Adish Gupta, Advocate
for the appellant.

Ms. Dimple Jain, AAG, Haryana.

SABINA, J.

Appellant had faced the trial qua commission of offence punishable under Section 25 of the Arms Act, 1959 ('Act' for short) in FIR No. 5 dated 2.1.2001, registered at Police Station NIT, Faridabad. Trial Court vide judgment/order dated 25.11.2003/27.11.2003 ordered the conviction and sentence of the appellant under Section 25 of the Act. Hence, the present appeal by the appellant.

Learned counsel for the appellant has submitted that the present case was an offshoot of a case titled 'State versus Hanif etc.' in FIR No. 804 dated 10.11.2000 under Section 148, 149, 307, 120-B of the Indian Penal Code, 1860 ('IPC' for short). In the main case, appellant was acquitted of the charges framed against him. Therefore, in the present case also, appellant was liable to be acquitted. In support of his argument, learned counsel has placed

reliance on '**Naresh versus State of Haryana, 2013(4) R.C.R. (Criminal) 895**'.

Learned State counsel, on the other hand, has opposed the petition and has submitted that the appellant was found in possession of a knife at the time of his arrest.

Admittedly, the present case is an offshoot of case titled 'State versus Hanif etc.' in FIR No. 804 dated 10.11.2000 under Section 148, 149, 307, 120-B IPC. Appellant was not arrested at the time of occurrence but was arrested on 2.1.2001 on the basis of secret information during investigation of the main case. Information was received by the police that two persons who had stabbed the manager were sitting in the park. Informer accompanied the police party and appellant along with his co-accused were arrested. The knife in question was recovered from the appellant and was taken in possession. Admittedly, in the main case, appellant was ordered to be acquitted by the Trial Court. Since in the main case, appellant had been acquitted by the Trial Court, he was liable to be acquitted in the present case also which was an offshoot of the main case.

Accordingly, this appeal is allowed. Appellant is acquitted of the charges framed against him. Consequently, the impugned judgment/order of conviction and sentence of the appellant dated 25.11.2003/27.11.2003, are set aside.

**(SABINA)
JUDGE**

January 07, 2015

Gurpreet