

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-30533 of 2014

Date of Decision: January 20, 2015

Didar Singh Attri

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. Kapil Aggarwal, Advocate
for the petitioner.

Mr. M.S. Sidhu, Addl.A.G., Haryana.

Mr. R.K. Agnihotri, Advocate.

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M.M.S. BEDI, J. (ORAL)

This is a petition for direction to the respondents to return 12 bore double barrel gun of the petitioner.

Grievance of the petitioner is that his gun was taken in custody on April 18, 2010. During test firing, left barrel of the gun busted. The petitioner has been acquitted in the case but gun in broken condition is in custody of the respondents. Petitioner seeks a direction to the respondents to pay compensation of Rs.1 lac or get the gun repaired.

In the reply filed by the State, it has been admitted that the petitioner has been acquired but it has been clarified that double barrel gun alongwith empty cartridges were sent to FSL, Madhuban, for examination. During test firing, the left barrel of the gun got burst as a result of which it was damaged. There is no intentional damage to the gun of the petitioner. It is mentioned in the reply that respondents are ready to handover the gun in the present case as lying in the police custody, as per the order of the trial Court.

This petition is disposed of with an observation that the petitioner would be entitled to move an application to get possession of the gun. In case he is able to establish that the damage is intentional and motivated, it will be open to him to seek the cost of the repair in accordance with civil law.

January 20, 2015
sanjay

(M.M.S.BEDI)
JUDGE