

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-D-1389-DB of 2015
DATE OF DECISION: January 8,2016

Narender

....Appellant

versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr.Ajit Sihag, Advocate for the appellant.
Mr.Dhruv Dayal, Deputy Advocate General, Haryana.

RAMENDRA JAIN,J.

Appellant Narender and his accomplice Satyawar were booked in case FIR No.728 of 31.12.2013 under Sections 307,506,34 IPC and 27 of the Arms Act registered at Police Station Narnaund for causing gun shot injury to Manjit Singh on 31.12.2013 on account of some land dispute.

On appraisal of evidence, the trial Court acquitted the appellant and his accomplice Satyawar of the charges vide judgment dated 2.12.2014. However, it ordered for the confiscation of licensed .12 bore DBBL gun and 0.32 bore revolver of the appellant, which is now subject matter of challenge in the present appeal.

According to learned counsel for the appellant, the absolute truth came from the mouth of the prosecution witnesses as regards the gun shot injury, when their own statements indicate that the appellant did not fire upon them which resulted into his acquittal and his accomplice Satyawan. The appellant being working as Security guard with the Haryana Roadways, needs the aforesaid licenced gun and revolver and non-releasing of the same, would cause prejudice to his livelihood.

Learned Deputy Advocate General, Haryana appearing for the State has not seriously opposed the submissions of learned counsel for the appellant.

The trial Court on analyzing the evidence on record reached the conclusion that statements of Manjit Singh (injured/complainant) PW1 and Angoor Singh (eye witness) PW2 did not support their earlier statements made in the course of investigation. These witnesses specifically deposed that the appellant and Satyawan did not fire upon them with intention to kill, rather in order to kill the snake which was noticed in the street crawling towards the house of the appellant, he fired upon the snake and due to awful atmosphere, the injured fell down on the floor receiving the injuries. The prosecution also examined Manoj PW3, the another eye witness who had allegedly tried to nab the injured. He was declared hostile since

he resiled from his earlier statement made in the course of investigation.

That availability of evidence suggests that the trial Court was not justified in confiscating the licensed .12 bore DBBL gun and 0.32 bore revolver, rather it ought to have ordered for their release.

In view of the aforesaid discussion, the present appeal is allowed. The judgment dated 2.12.2014 passed by Sessions Judge, Hisar is set aside to the extent of confiscation of the case property. The licensed .12 bore DBBL gun and 0.32 bore revolver besides the arms licence shall be released to the appellant after completing the necessary formalities.

(T.P.S. MANN)
JUDGE

(RAMENDRA JAIN)
JUDGE

January 8, 2016
Kd