

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-25651 of 2014(O&M)****Date of Decision: April 06, 2016**

Jaswinder Singh

...Petitioner

VERSUS

Director General of Police, Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGHPresent: Ms.Sarika Gupta, Advocate
for the petitioner.Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for setting aside the impugned order dated 07.06.2014 passed by learned JMIC, SBS Nagar in case FIR No.99 dated 30.09.2012 registered under Sections 336, 506 IPC and under Section 27 of the Arms at Police Station SBS Nagar and issuance of appropriate directions to the police to produce the original arms licence of the revolver taken into possession by ASI karamjit Singh-respondent No.4 from the petitioner and to return the same for its renewal on the terms and in the interest of justice and to take action against respondent No.4 for withholding the original arms licence with him in his personal capacity and not produced the same along with report under Section 173 Cr.P.C.

Notice of motion was issued and learned State counsel

appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that an application was filed by the accused on 18.04.2014 for returning the arms licence No.11814 for renewal purpose. In this regard, ASI Karamjit Singh made statement to the effect that on 06.10.2012, he has taken into possession photocopy of the arms licence of the accused along with revolver .32 bore with 12 live cartridges from accused Jaswinder Singh and it is so mentioned in the statement of Head Constable Jaswinder Singh by him under Section 161 Cr.P.C. ASI Karanjit Singh further stated that he had not taken the original arms licence of the accused in his possession. The Court below held that in view of the statement made by the Investigating Officer as well as the fact that in the report under Section 173 Cr.P.C. it has been mentioned that photocopy of the arms licence is appended, the application for returning the original arms licence is dismissed as there being no original arms licence on the file.

The perusal of the impugned order shows that order passed by learned JMJC, Nawahshahr, is correct and as per law. When there is no original arms licence produced on the file along with report under Section 173 Cr.P.C., therefore, question of returning the original arms licence by the Court, does not arise. In the reply filed by the State, it is also submitted that only the photocopy of the arms licence of the petitioner was taken into possession and it has been

attached with the report under Section 173 Cr.P.C. It is also stated in the reply that as original arms licence was not taken into possession, hence question of returning the same does not arise. It is further stated that even in the enquiry conducted by DSP, Sub Division Nawanshahr, District SBS Nagar, the petitioner failed to substantiate his assertion regarding taking into possession of his original arms licence and rather it surfaced that only the photostat copy of the arms licence of the petitioner was taken into possession by the Investigating Officer ASI Karamjit Singh. It is also in the reply that it was due to sheer inadvertence that word 'photocopy' could not be mentioned in the recovery memo, still departmental enquiry has been initiated against ASI Karanjit Singh vide order dated 28.01.2015 for this lapse.

Keeping in view the reply filed by the State that enquiry has been initiated and further original arms licence is not on the file, I find that no ground is made out to set aside the impugned order dated 07.06.2014 passed by learned JMIC, Nawanshahr.

Therefore, finding no merit in the present petition, the same is dismissed.

However, as departmental enquiry is still pending against ASI Karamjit Singh, it is made clear that if any application is filed before District Magistrate for obtaining duplicate arms licence or for renewal of the arms licence, the District Magistrate would consider and pass appropriate order as per law.

April 06, 2016

Vgulati

**(INDERJIT SINGH)
JUDGE**