

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

CRR-3349-2015 (O&M)

Date of Decision: FEBRUARY 29, 2016

YUDHWINDER SINGH

...PETITIONER

VERSUS

JAGTAR SINGH AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioner.

NARESH KUMAR SANGHI, J.

CRM-29321-2015

Prayer in this criminal miscellaneous application is for
condoning the delay of 10 days in filing the revision petition.

Heard.

In view of the reasons mentioned in the application,
same stands allowed and delay of 10 days in filing the revision
petition is condoned.

CRR-3349-2015

Learned counsel contends that both the Courts below
have gone wrong in acquitting the respondents-accused for the
offences punishable under Section 336 read with Section 34 IPC
and Section 27 of Arms Act. He further contends that it emerges
on record that the firearms were used and as such the verdict of
guilt should have been returned by the learned trial Court.

I have heard learned counsel for the petitioner and with his able assistance gone through the material available on record.

The only allegation against Jagtar Singh-respondent No.1 is that on 28.09.2011 at 8:30 p.m., Jagtar Singh and Gurdhian Singh, respondents were standing on the other side of the canal; and Jagtar Singh fired shots from his licensed revolver. The said allegation would not attract the gravamen of Section 336 IPC. In the matter of *“Surjit Singh and others Vs. State of Punjab and others, 2011(2) RCR (Criminal) SCC 514”*, it was held by this Court that mere firing shots from a licensed gun by itself would not be sufficient to attract the provisions of Section 336 IPC. The prosecution has to prove that the shots were fired negligently or to endanger the life or personal safety of anyone. The prosecution has miserably failed to substantiate the essential ingredients of Section 336 IPC.

In view of the concurrent findings of both the Courts below, no ground for interference in the criminal revision petition against acquittal is made out.

Dismissed.

(NARESH KUMAR SANGHI)
JUDGE

February 29, 2016
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