

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

CRR No.4726 of 2015

Date of Decision: January 22, 2016

Krishan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Gurveer Singh Sidhu, AAG, Punjab.

FATEH DEEP SINGH, J.

In this revision challenge has been made to an order dated 12.10.2015 of learned Additional Sessions Judge, Amritsar denying release of the Arms licence/weapon upon acquittal of the revisionist.

In the light of the contentions of the learned counsel for the petitioner that in case bearing FIR No.7 of 2014 under Sections 307,34,IPC and Sections 25,27,54,59 of Arms Act registered at Police Station, Sultanwind, Amritsar, the petitioner Krishan Singh has since been acquitted vide judgment dated 13.5.2015 and that subsequently he had moved an application for the release of his arms licence No. CP/ASR/DUP/SW/0911/164 along with weapon .32 bore revolver bearing No.FG-08806 and that vide impugned order Annexure P/3 learned Additional Sessions Judge, Amritsar has declined the same. It is duly conceded by the State that the police of Police Station Sultanwind

while submitting its reply to the notice had never objected to the release of the same and even at present juncture has no objection to the same.

Heard. The perusal of the impugned order reflects that the learned trial Court has misconstrued the prayer made in the application and the facts and has declined to release the weapon on the ground that its licence has since expired and no order regarding release of the arms licence has been made which is apparently an inadvertent error. Since the petitioner has been issued legitimate arms licence which was valid at the time when the same was taken into police custody and such a legitimate right cannot be declined to the petitioner and that too upon his acquittal when as is admitted by the State that the said judgment of acquittal has attained finality. Thus, it would sub-serve the ends of justice, if necessary orders are made for the release of the arms licence of the petitioner after the petitioner succeeds in getting it renewed and then his right to get the weapon would materialise.

The present petition stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

January 22, 2016
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