

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

CRM-M-28870-2014 (O&M)

Date of decision: 28.11.2017

Nirbhai Singh**.....Petitioner****versus****State of Punjab and others****.....Respondents****CORAM: Hon'ble Mr.Justice Kuldeep Singh**

Present: Ms.Manmohan Kaur, Advocate for
Mr.Amitoj Singh Dhaliwal, Advocate for the petitioner
Ms.Monika Jalota, DAG Punjab

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Learned counsel for the petitioner states that none of the dealers is ready to give in writing the actual value of the .32 bore revolver made in Germany of 7 shots bearing No.1326492 (USA). Therefore, the Court may assess the same.

Heard.

It comes out that .32 bore revolver made in Germany of 7 shots bearing No.1326492 (USA) along with four cartridges belonging to the petitioner was taken into possession by the police in FIR no.44 dated 5.3.2000 under Section 25 of Arms Act, Police Station City -1 Moga alleging that the same was recovered from the unauthorized person i.e. son of the petitioner. After the decision of said case, the weapon was to be returned to the petitioner. However, as noticed in the order dated 18.7.2017, the weapon was lost from the police malkhana. An FIR was registered against HC Sukhdev Singh, who has since expired. This Court had directed the tracing of the said weapon. The said weapon could not be traced.

Therefore, this Court had directed the State to assess the present market

value of the said weapon from the Arms Dealers of the Moga so that a compensation for loss of weapon could be paid to the petitioner.

The petitioner is unable to supply the market value of the said weapon, as discussed above. However, the State in the reply has mentioned that the value of the weapon is Rs.1,50,000/-, which has been disputed by the petitioner.

Due to loss of the said .32 bore revolver made in Germany of 7 shots bearing No.1326492 (USA), which is a rare weapon, the petitioner is entitled to the market value of the said weapon along with compensation. Such types of rare weapons are not easily available and if these are available these carry premium.

Considering the entirety of facts and circumstances, I am of the view that a compensation of Rs.4 lakhs to the petitioner will be just and proper for the loss of his .32 bore revolver made in Germany of 7 shots bearing No.1326492 (USA).

Accordingly, the State of Punjab is directed to pay a compensation of Rs.4 lakhs to the petitioner for the loss of his weapon by the State official within a period of two months from the date of receipt of certified copy of this order, failing which, for the delayed period beyond two months, the State shall pay interest @ 9% per annum. In such case the State shall also fix the responsibility of the concerned official in delaying the payment of the compensation.

The petition is accordingly allowed.

28.11.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No