

CWP-21693-2013

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

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**CWP-21693-2013 (O&M).
Decided on: February 16, 2017.**

Mandeep Singh

.. Petitioner(s)

VERSUS

State of Punjab and others.

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Harish Goyal, Advocate,
for the petitioner.**

Mr.A.P.S.Mann, Addl. A.G. Punjab.

M.M.S. BEDI, J. (ORAL)

Vide order Annexure P2 dated 19.12.2012, issued by the Under Secretary Home, in context to FIR No.57 dated 13.7.2012, under Sections 420, 467, 468, 471 IPC and Section 25 of the Arms Act, registered at Police Station, Sadar, Rajpura, District Patiala, a direction has been issued that all .30 bore pistols entered on the arm licences of all the arms licence holders held illegally/without legal valid vouchers, be identified and confiscated and the Senior Superintendent of Police, Patiala, be informed about the same.

Pursuant to order Annexure P2, the weapon of the petitioner was taken in police possession, on 23.5.2013.

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In the reply filed, a vague plea has been taken that the weapon belonging to the petitioner is fake and illegal presuming the same having been sold by Mohal Arms Company, Faridabad.

No specific enquiry has been conducted before acting on the basis of the general order Annexure P2 pertaining to the weapon held by the petitioner which is apparently a licensed weapon.

This petition is disposed of with a direction to the District Magistrate, Mansa, to consider the facts and circumstances of the case pertaining to the weapon of the petitioner within a period of one month by holding an enquiry and in case there is no irregularity found in the issuance of the weapon and regarding the authenticity of the weapon, the same may be returned after holding an enquiry.

A copy of the order passed by the District Magistrate, Mansa, will be communicated to the petitioner in the interest of natural justice. In case the petitioner is required for any clarification, he may be permitted to join in the enquiry. In case any prejudicial order is required to be passed against the petitioner, he may be afforded an opportunity of hearing.

(M.M.S. BEDI)
JUDGE

February 16, 2017.

rka

Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No