

CWP-24929-2013

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

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**CWP-24929-2013 (O&M).
Decided on: February 16, 2017.**

Ravdeep Singh Atwal

.. Petitioner(s)

VERSUS

State of Punjab and others.

.. Respondent(s)

*** * ***

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

*** * ***

**PRESENT Ms.G.K.Mann, Advocate,
for the petitioner.**

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

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

Petitioner claims that his licenced weapon No.23103 a .
30 bore pistol along with Magazine has been taken into custody by the
police on 5.6.2013.

Through the instant petition, order Annexure P4 dated
19.12.2012, has been challenged by virtue of which a general order has been
passed in 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, by Secretary, Home Affairs and Justice, addressed
to District Magistrates/Police Commissioners of Punjab to the effect that all
the weapons of .30 bore which are illegal, without valid vouchers and stand
entered upon licence holders, be taken into custody after inquiry and the
Senior Superintendent of Police, Patiala, be informed about the same.

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In the reply filed, it has been admitted that a .30 bore pistol along with magazine belonging to the petitioner was taken into possession by ASI Sajjan Singh as it was needed for investigation as the weapon was allegedly illegal and cannot be retained validly. It is claimed by the respondents that no fundamental right of the petitioner has been violated.

After hearing the counsel for the petitioner and State counsel, I am of the opinion that the weapon of the petitioner has been withheld for the purpose of investigation in a criminal case on the suspicion that it was illegal.

This petition is disposed of with a direction that an enquiry pertaining to the weapon of the petitioner will be completed within a period of one month henceforth under intimation to the petitioner and in case there is no irregularity or illegality found on the basis of general allegations, the weapon would be returned or in the alternative appropriate procedure for withholding seizure/confiscation of the weapon would be taken. The order will be communicated to the petitioner after a period of one month. In case any clarification is required, the petitioner will be given an opportunity of hearing.

The order be uploaded on the internet forthwith to facilitate the expeditious implementation of the order.

(M.M.S. BEDI)
JUDGE

February 16, 2017.

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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No