

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

113

**CRM-M-216-2015
Date of Decision : 9.4.2019**

Jaswant Singh

....Petitioner

vs.

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.S.C.Arora, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed seeking quashing of the official report/order dated 25.12.2013 vide which the pistol of the petitioner was taken into possession by the police and further seeking direction that the respondents may be directed to return that pistol.

In the year 2012 one person was arrested with .30 bore caliber pistol on which the weapon number had been erased. It later transpired that .30 bore caliber pistol was neither manufactured nor ever allowed to be imported in India. During the process of verification of such weapons the pistol owned by the petitioner was also seized. The case of the petitioner is that the pistol owned by him was purchased by his father 24 years ago from a licenced Arms dealer. The weapon was licenced first in the name of his father and after his death the licence was transferred to the name of the petitioner. On so many occasions, the weapon was sent for inspection to the

District Magistrate and it was never pointed out that the weapon is illegal. Even now the petitioner has not been made an accused in this case and though the pistol has been released to him on supardari. The same should be released to him since he has no connection with the case.

On the other hand, the argument of the learned DAG is that the weapon of the petitioner (alongwith other weapons) were sent to the FSL and as per the report of the FSL there is tampering in the number of the pistol. As regards the petitioner, he has not been made an accused because there is no criminality attached in his purchase of the pistol; but it cannot be ruled out that the father may have been sold an illegal weapon at that time which had skipped detection. The matter is under trial and ultimately, the Court will decide whether the pistol of the petitioner has to be returned or not.

In my opinion, argument of the learned DAG has to prevail. The petitioner may be an innocent purchaser and the pistol has rightly been released to him but if it transpires that the origin of the weapon sold to the father of the petitioner was illegal, he cannot claim that the pistol has to be released to him.

Resultantly, the petition stands dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands dismissed.

9.4.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No