

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24612-2013 (O&M)

Date of Decision:-25.01.2019.

Bakhshish Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. J.S. Pannu, Advocate for
Mr. J.S. Gill, Advocate for the petitioners.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARUN MONGA, J. (Oral)

Vide order Annexure P-9 dated 19.12.2012, issued by the Under Secretary Home qua FIR No.57 dated 13.07.2012 registered under Sections 420, 467, 468, 471, 120-B IPC and Sections 25, 54 and 59 of the Arms Act, registered at Police Station, Sadar Rajpura, District Patiala, a general direction has been issued that all .30 bore pistols of all the arms licence holders which are without valid vouchers, be identified, and be confiscated, and the office of Senior Superintendent of Police be intimated.

2.) The weapon of the petitioner, who is resident of Tarn Taran was taken into police possession on 03.09.2013.

3.) In the reply filed to the petition, a plea has been taken that the weapon was confiscated only to verify whether or not there is any

getting a report from the Forensic Science Laboratory.

4.) No specific inquiry has been conducted, before acting on the basis of the general order dated 19.12.2012 (Annexure P-9), pertaining to the weapon held by the petitioner which, otherwise, is a licensed weapon.

5.) This petition is disposed of with a direction to the District Magistrate, Tarn Taran to hold an inquiry within a period of 1 month from today. Keeping in view the facts and circumstances of the case, in the event there is no irregularity in the issuance of the weapon/licence and the authenticity thereof is not in doubt, then the same may be returned after holding an inquiry, *ibid*.

6.) A copy of the order passed by the District Magistrate, Tarn Taran pursuant to the inquiry may be communicated to the petitioner. In case the petitioner requires any clarification, he may be permitted to join the inquiry. In case any prejudicial order is required to be passed, then the petitioner would be afforded an opportunity of hearing in the interest of justice.

(ARUN MONGA)
JUDGE

January 25, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.