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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2253/2019**

GURPREET SINGH

..... Petitioner

Through: Mr Anil Goel, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms Jyoit Babbar, Advocate for Mr
Rajesh Mahajan, ASC for State with
SI Mahesh, PS Domestic Airport.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **06.11.2019**

1. The petitioner has filed the present petition praying that FIR No.0053/2018 under Section 25 of the Arms Act, 1959 registered with PS Domestic Airport and all proceedings emanating therefrom, be quashed.
2. The said FIR was registered on 19.05.2018 at the instance of the security staff at the Domestic Airport, New Delhi. The petitioner is stated to be a permanent resident of Punjab and on 19.05.2018 he was travelling from Delhi to Hyderabad by flight no. SG-120. During screening, one live cartridge of 0.32 calibre was detected in his wallet. This led the security staff to file the FIR in question.
3. It has been verified that the petitioner holds a valid arms licence for a 0.32 bore revolver. It has also been verified that the petitioner had purchased the cartridge in question from an authorized dealer in Ludhiana. The petitioner claims that he was not conscious that his wallet contained the

said cartridge. The arms licence of the petitioner was limited to the State of Punjab and the petitioner was required to keep the cartridge in safe custody within the said territory. The petitioner claims that by an inadvertent error he had not done so, as he was not conscious that the cartridge remained in his wallet.

4. This Court finds no reason to doubt the statement made by the petitioner. The material facts in this regard have already been verified.

5. This Court has, in number of cases, held that an offence under Section 25 of the Arms Act, 1959 is not established in cases where it is found that the person carrying live ammunition was not conscious of the said fact. (See: ***Surender Kumar @ Surender Kumar Singh v. The State (GNCT of Delhi) & Anr.: W.P. (Crl) 2143/2019 decided on 27.09.2019***; ***Aruna Chaudhary v. State & Ors.: W.P. (Crl.) 1975/2019 decided on 25.09.2019*** and ***Paramdeep Singh Sran v. The State (NCT of Delhi) W.P.: (Crl) 152/2019 decided on 29.08.2019***)

6. In view of the above, the present petition is allowed and FIR No. No.0053/2018 under Section 25 of the Arms Act, 1959 registered with PS Domestic Airport and all proceedings emanating therefrom, are quashed.

7. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 06, 2019
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