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

+ **W.P.(CRL) 309/2020**

JAGAT SINGH

..... Petitioner

Through: Mr Varun Malik and Mr Ajay P.
Tushir, Advocates.

versus

THE STATE (N.C.T OF DELHI)

..... Respondent

Through: Mr Jamal Akhtar and Mr Anand
Thumbayil, Advocates for Rahul
Mehra, Standing Counsel for State
with SI Rajdeep, PS IGI Airport.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.02.2020

CRL.M.A. 2359/2020

1. Allowed, subject to all just exceptions.

W.P.(CRL) 309/2020

2. Issue notice. The learned counsel appearing for the respondent accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying that FIR No.0579/2019 under Section 25 of the Arms Act, 1959 registered with PS IGI Airport and all proceedings emanating therefrom, be quashed

4. The petitioner is a school teacher and is employed with the Rawal

Convent School, Ballabgarh, Haryana. It is stated that on 24.12.2019, he was scheduled to travel from Delhi to Bangkok by Go Airlines. He was detained at the airport since live ammunition was detected in his check-in baggage.

5. The petitioner claims that the petitioner was not aware of that his baggage contained a live cartridge. He stated that the same belong to his friend, from whom he had borrowed the luggage for travelling overseas.

6. The learned counsel appearing for the respondent states, on instructions, that the said facts have been verified and it is found that the ammunition recovered from the petitioner's baggage belongs to his friend who is also a teacher in Haryana. He also confirms that there is no material to doubt the petitioner's claim that he was not conscious that the baggage contained live ammunition as it had escaped the petitioner's attention and had remained in the baggage.

7. This Court has, in a number of cases, held that possession of an arm, which is not in the knowledge of the possessor would not constitute an offence under Section 25 of the Arms Act, 1959 (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***)

8. In the given facts, it has been verified that the live ammunition did not belong to the petitioner and that had escaped his attention while packing his luggage. Thus, this Court considers that interest of justice would be served

in quashing the FIR in question.

9. In view of the above, the present petition is allowed and FIR No. 0579/2019 under Section 25 of the Arms Act, 1959 registered with PS IGI Airport and all proceedings emanating therefrom, are quashed.

VIBHU BAKHRU, J

FEBRUARY 03, 2020
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