

**(227) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35304-2021

Date of Decision: 28.09.2021

Hari Parkash

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Virender Kumar, Advocate
for the petitioner.

Mr. Manish Dadwal, A.A.G. Haryana.

VIKAS BAHL, J. (Oral)

Case is taken up for hearing through video conferencing.

The present petition has been filed under Section 482 Cr.P.C for quashing of order dated 10.05.2021 (Annexure P-1) vide which the application for releasing licensed revolver 32 bore from police custody has been dismissed by Additional Sessions Judge, Sonapat.

Learned counsel for the petitioner has submitted that the impugned order has been passed primarily on the premise that against the finding of the trial Court, vide which, the petitioner had not been convicted under Section 27 of Arms Act, an appeal had been filed by the prosecution in this Court. It is submitted that the said observation in the impugned order is perverse inasmuch as per instructions, no appeal has been filed before this Court against the judgment dated 6.8.2019 as well as order dated 10.05.2021.

Learned State counsel has submitted that as per the reply, it has been stated that the State is in the process of filing an appeal.

This court has heard learned counsel for the parties.

It is apparent from the record that on 10.05.2021, no appeal had

been filed by the prosecution before this Court and thus, the observation in the impugned order to the said effect is perverse. Since the said reason was the main reason which had been given for rejecting the application filed by the petitioner, the impugned order dated 10.05.2021 is set aside and the Additional Sessions Judge, Sonapat, is directed to decide the application of the petitioner dated 23.03.2021 for releasing of licensed revolver 32 bore afresh as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a certified copy of this order.

The parties through their respective counsel are directed to appear before the concerned Court on 07.10.2021. The respective counsel are also directed to fully assist the Court and argue the matter on the date so fixed by the trial Court.

Disposed of in the above terms.

(VIKAS BAHL)
JUDGE

28.09.2021
rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No