

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

**CRM-M-12462-2022
Date of Decision: 25.03.2022**

Rishi Raj ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.002, dated 02.01.2022 under Sections 25, 54 and 59 of Arms Act, 1959 registered at Police Station Lambi, Shri Muktsar Sahib.

2. Learned counsel for the petitioner has submitted that it is a case where the petitioner has been falsely implicated in the present case. He submitted that the petitioner was having a valid licence of revolver point 32 bore and he had lost his licence in the year 2021 and he had rather informed the Executive Magistrate after getting his affidavit attested from Naib Tehsildar on 08.02.2021, that his license has been lost. He submitted that the FIR was lodged on 02.01.2022 and the allegations against the petitioner is that he has given his revolver to the other co-accused namely, Gurcharan Singh @ Channa and the aforesaid co-accused has been caught at the spot by the police and from the left pocket of his pent a revolver along with some live cartridges

were recovered. Learned counsel for the petitioner has submitted that in fact, the petitioner had come along with the aforesaid co-accused Gurcharan Singh @ Channa for the purpose of sale of his revolver and during that time, the petitioner by mistake left his revolver in the car of said Gurcharan Singh @ Channa and thereafter, it was recovered by the police. He has therefore prayed for the grant of concession of anticipatory bail to the petitioner.

3. On the other hand, Mr. Bhupender Beniwal, learned AAG, Punjab has submitted that he has received advance copy of the petition and he has also sought instructions. He submitted that the story put forward by the petitioner is not only improbable but also against the express provisions of law. He submitted that even assumingly there was a mistake that the petitioner had left his revolver in the car of said co-accused namely, Gurcharan Singh @ Channa, the same is also not permissible and apart from the same, once the petitioner has himself stated that he had lost his licence about one year ago, then he is not entitled to carry the weapon and apart from the same, the petitioner was not even competent to sell his revolver under the provisions of Arms Act. He submitted that the reference which has been made in Annexure P-3 affidavit dated 04.01.2022, which was after the lodging of the FIR and therefore has no significance. He further submitted that even the petitioner was not competent to sell his revolver because at the time of selling of any weapon, a detailed procedure is adopted by endorsing the same as an entry not only in the licence but also in the record maintained by the District Magistrate as well as District Police Administration and previous sanction is also required in this regard before selling any weapon and therefore, the entire story put forward by the petitioner is totally concocted.

4. I have heard the learned counsel for the parties.

5. It is a case where revolver has been found and some live cartridges were also recovered from the left pocket of the pant worn by the co-accused namely, Gurcharan Singh @ Channa, while he was travelling in his car. The present petitioner namely, Rishi Raj is the licence holder of the said revolver. The petitioner is not having possession of his licence as according to him, he had lost the same in the year 2021 and therefore, there was no occasion for the petitioner to have entrusted his revolver to the other co-accused Gurcharan Singh @ Channa either by mistake or otherwise for the purpose of selling the same. The sequence of events herein involves a point 32 bore revolver, which has been found from the possession of the person, who was not entitled to possess.

6. Therefore, in view of the facts and circumstances and considering the gravity and magnitude of offence involved in the present case, this Court does not deem it fit and proper to grant the concession of anticipatory bail to the petitioner. Consequently, finding no merit in this petition, the same is hereby dismissed.

7. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

March 25, 2022
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No