

CRR-2853-2017

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

**CRR-2853-2017 (O & M)
Date of decision: 17.03.2022**

Rakesh Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mohd. Yousaf, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 11.04.2017 passed by the learned Addl. Sessions Judge, Jalandhar, vide which an application moved by the petitioner for releasing his .32 revolver bearing No.FG 60242001 has been dismissed on the ground that the petitioner had neither placed on record copy of the receipt regarding purchase of the same nor that of the licence.

Learned counsel for the petitioner submits that the aforesaid revolver of the petitioner was recovered in case bearing FIR No.56 dated 09.05.2010, registered under Sections 302, 148, 149 IPC and Section 25 of the Arms Act, 1959, at Police Station Division No.2, Jalandhar, from the possession of Harbhajan Singh, who stood acquitted by the trial Court, vide judgment dated 23.07.2013. Learned counsel further submits that the petitioner is the owner of the weapon and is having a licence of the same,

CRR-2853-2017

renewed from time to time, but the trial Court without taking into considerations all these facts, has wrongly dismissed the application for the release of the weapon.

Learned State counsel submits that as per the status report dated 16.01.2020, filed by way of affidavit of the Additional District Magistrate, Jalandhar, the petitioner is having the licence of the revolver, which was renewed upto 18.03.2019 only. However, he submits that Tejinder Singh, one of the accused, has been declared a proclaimed offender and the weapon is required for the trial of the said accused as well.

I have heard the learned counsel for the parties.

Indisputably, accused Harbhajan Singh from whom the weapon had been recovered, stands acquitted in the case arising out of the aforesaid FIR, vide judgment dated 23.07.2013 passed by the trial Court and thereagainst, no appeal has been preferred by the State. The petitioner is stated to be the owner of the weapon.

In such circumstances, this Court finds merit in the present petition. Accordingly, the impugned order dated 11.04.2017 is set aside. The aforesaid weapon is ordered to be released to the petitioner against a proper receipt and identification, subject to the satisfaction of the trial Court/Duty Magistrate, Jalandhar, in addition to his furnishing a copy of the valid licence thereof.

17.03.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No