

**2023:PHHC:048081**

CRM-M-15992 of 2023  
Date of Decision: April 10, 2023

**Surender Kumar** **...Petitioner**

## State of Haryana and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. J.P.Jangu, Advocate for the petitioner.

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**DEEPAK GUPTA, J.(Oral)**

Challenge in this petition is given to order dated 13.06.2022 passed by learned Judicial Magistrate Ist Class, Hisar (Annexure P.5) whereby application moved by the petitioner to release one licensed pistol of .32 bore and 4 live cartridges on supedari, which had been impounded in case FIR No.53 dated 08.02.2021 registered at Police Station HTM Hisar, District Hisar under Sections 25, 30 of Arms Act, 1959 was dismissed. Further prayer is made to set aside the order dated 31.01.2023 passed by learned Additional Sessions Judge, Hisar whereby revision petition against the afore-said order was dismissed by learned Additional Sessions Judge, Hisar.

It is contended that one pistol of .32 bore and 4 live cartridges were recovered by the Police from possession of co-accused Amit alias Kali during the regular checking. The same were impounded by the Police and the FIR in question was registered. Petitioner being owner and licensed holder of the pistol and cartridges, moved an application for release on superdari. The concerned police gave report

Annexure P.4 to the effect that it has no objection to release the pistol and cartridges to the actual owner Surender Kumar – petitioner on superdari despite which the Courts below have dismissed the application.

Notice of motion for 10.07.2023.

Mr. Randhir Singh, Addl. Advocate General, Haryana, accepts notice on behalf of the State.

Learned State Counsel, though has no objection to release the pistol and cartridges on superdari but it is pointed out by him that validity of the licence has expired on 27.02.2021 as is evident from Annexure P.1.

This petition is hereby disposed of with a direction to learned Area Magistrate to first release the Arms licence of the petitioner on superdari. Petitioner will get the same re-validated from the concerned authority and, thereafter, the Area Magistrate shall release the pistol and the cartridges in question on superdari to the petitioner by imposing necessary relevant conditions.

Disposed of.

**April 10, 2023**

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**(DEEPAK GUPTA)**

**JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No