

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42255-2023
Decided on : 25.08.2023

Ravinder Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Saini, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking quashing of order dated 31.10.2022 (Annexure P-1) passed by Addl. Sessions Judge, Kurukshetra in CRM-339-2022 along with order dated 08.12.2021 passed by Presiding Officer, Special Environment Court, Kurukshetra vide which his prayer for release of 315 bore rifle No.AB-77-276 on superdari was dismissed.

2. Learned counsel for the petitioners *inter alia* contends that a false and fabricated case has been planted upon the petitioner for hunting a Sambhar in Kalesar Forest Range, and whose body parts were then found in his car by the forest officials. Learned counsel submits that the petitioner is a peace loving citizen and had never been involved in any such crime before nor had he even used the fire arm, whose superdari he is now seeking. Learned counsel further submits that the petitioner is a valid licence holder of the alleged weapon of offence, which has been lying in the custody of Forest

Department, Kalesar Range, Yamunanagar since 2011, hence, it be released to him on superdari.

3. Heard learned counsel and perused the relevant material on record.

4. Admittedly, the petitioner was convicted for commission of offence under Sections 9, 11, 27, 29, 31, 35(6) punishable under Section 51 of the Wild Life (Protection) Act, 1972 (hereinafter referred to as 'the Act') and sentenced to undergo simple imprisonment for a period of three years along with fine of Rs.10,000/-.

As per the provisions of Wild Life (Protection) Act, 1972, articles seized under Section 50(1)(c) read with Section 51(2) of the Act, weapon of offence has to be forfeited, and furthermore, Section 51(3) & (4) of the Act provides that no person, whose license has been cancelled under the aforementioned provision of Section 51 of the Act, would be eligible for a license under the Arms Act for a period of five years from the date of conviction.

5. As a sequel to the above, the present petition being devoid of any merit stands dismissed.

25.08.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No