

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

CRM-M-61648-2018

Date of decision: 24.01.2023

Subhash Chander @ Shobha Chand

.....Petitioner

Versus

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

On the last date of hearing, i.e., 14.09.2022, learned counsel for the petitioner did not appear and case was adjourned for today and it was specifically observed in said order that no further adjournment shall be granted and in case no one appears on behalf of the petitioner, the case will be decided on the basis of the available record. Today also, learned counsel for the petitioner is not present.

This petition has been filed by the petitioner under Section 482 Cr.P.C. for seeking issuance of directions to the respondents to release the license & licensed gun of the petitioner, which was seized earlier by the investigating authorities at the time of his arrest in case FIR No. 94 dated 13.05.1994 under Section 302/34 IPC & Section 27/54/59 Arms Act registered at Police Station Siwani and since the petitioner has already been acquitted in above-said case vide judgment dated 10.08.1995. Therefore, the license & licensed gun be ordered to be released.

On issuance of notice of motion, reply on behalf of respondent has

been filed by Sh. Jaipal Singh, HPS, Deputy Superintendent of Police, Siwani.
In Paragraph Nos. 2 to 4 it has been averred as under:-

- “2- That the alleged license is in the name of Sobha son of Sh. Sheo Ram, resident of Village Talwandi Badshahpur, Tehsil and District Hisar. Whereas the name of the petitioner is Subhash son of Shyoram as per documents annexed with the petition Annexure-P-3 (Aadhar Card). The other ID i.e. voter card of the petitioner is also reflected his name as Subhash Chander, which is also annexed as Annexure-P-3. It is no where mention in the above said identity proofs of the petitioner that Subhash Chander is also known as Sobha Chand. No other proof regarding his name as Subhash Chander alias Sobha Chand has been annexed by the petitioner with the petition. As such it cannot be established that the petitioner is real owner of the above said license and licensed weapon.
3. That it is further submitted that the license has already been expired on 28-04-1997 and prior to the present petition, the license holder namely Sobha Chand never approached the Ld . Trial Court or the Hon'ble Court for renewal of the same and now the present petitioner has filed the instant petition on self made and false facts claiming himself the license holder of the license and licensed gun. It is further submitted that at this stage the alleged license is not valid so the licensed gun cannot be issued against the invalid license. Hence the petition is liable to be dismissed.
- 4- That the license taken in to possession in the instant FIR No. 94 dated 13-05-1994, under sections 302/34 IPC & section 27/54/59 Arms Act , P. S. Siwani is still lying with main sessions case No. 33 of 1994, decided on 10-08-1995, by the court of Sh . R. P. Bajaj, the then Ld . Sessions Judge , Hisaar. Hence the answering respondent is not in possession of the alleged license.

From a perusal of the reproduction made above would show that the respondents are not in possession of license and licensed gun of the petitioner and cannot be issued against the invalid license and the identity of the petitioner is also doubtful and the same is a case property and is lying in the Court of learned Session Judge, Hisar in FIR No. 94 dated 13.05.1994.

In such circumstances, this Court is not inclined to pass any order for release of the license and licensed gun in the matter and the petition is disposed off accordingly.

24.01.2023
manoj

(NAMIT KUMAR)
JUDGE

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