

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:092632
CRM-M-60850-2022
Date of Decision: July 21, 2023

Harmanpreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amandeep Chhabra, Advocate for the petitioner.

Mr. M.S. Nagra, Asstt. A.G., Punjab.

DEEPAK GUPTA, J.(Oral)

A riffle of .315 bore bearing No.AB-05-8233 was taken into possession from the custody of the petitioner in case FIR No.7, dated 15.01.2022, registered at Police Station Raja Sansi, District Amritsar Rural, under Sections 336, 506 of IPC and Section 25 of the Arms Act, 1959.

Petitioner applied for releasing the said riffle on superdari, but the application of the petitioner was declined, vide order dated 03.12.2022 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Ajnala, District Amritsar, due to which petitioner has approached this Court.

As per affidavit of Sub Inspector Manjit Singh, In-charge Police Post, Kukkrawala, Police Station Rajasansi, Amritsar (Rural), petitioner did not produce the arm licence in his name before the Investigating Officer during the course of investigation and that the original arm licence has not been taken into possession.

Learned State counsel, on instructions from ASI Sukhwant Singh, submits that prosecution has no objection to release the riffle on superdari, provided the petitioner produces the arm licenece.

Learned counsel for the petitioner submits that petitioner shall produce the original/valid arm licence of .315 bore rifle.

In view of the above, the impugned order dated 03.12.2022 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Ajanala, is hereby set aside. Direction is issued to release the rifle in question to the petitioner, subject to his production of original/valid arm licence before the Investigating Officer.

Disposed of.

July 21, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No