



CRM-M-8578 of 2024 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M-8578 of 2024
Date of Decision: 22.11.2024

Ankur Bansal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. A.S. Sandhu, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Manisha Batra, J.(Oral)

1. This petition has been filed under Section 482 of Cr.P.C. for quashing of the order dated 19.01.2024 (Annexure P-4) passed by the Court of Judicial Magistrate Ist Class, Mansa in Case No.CHA-92/2020 titled as 'State Vs. Jasdev Singh' arising out of FIR No.94 dated 24.07.2019 registered under Section 25 of the Arms Act, 1959, at Police Station City Mansa, whereby the order dated 10.05.2021 (Annexure P-3), whereby, the pistol of the petitioner had been ordered to be released on Supardari, was cancelled and order for seizure of the same had been issued.

2. The brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the allegations that on 24.07.2019, a secret information was received that accused Jasdev Singh @ Jassi @ Painchar was in illegal conscious possession of a pistol and could be apprehended with the same, if raided. Believing the secret

information to be true, ruqa was sent to the police station for registration of the

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FIR and a case under Section 25 of the Arms Act was registered. During the course of investigation, the statement of Jasdev Singh @ Jassi was recorded and a .32 bore pistol along with 5 live cartridges was recovered. The present petitioner was nominated as an accused on the disclosure statement of co-accused Jasdev Singh @ Jassi and was booked under Section 30 of the Arms Act. He was released on bail. Subsequently, he was found to be innocent and his name was kept under column No.2 of the challan report whereas challan was presented against the co-accused Jasdev Singh @ Jassi @ Painchar. The said co-accused is facing trial.

3. As revealed from the record, vide order dated 10.05.2021, the pistol in question is ordered to be released on Supardari in favour of the petitioner, who is the registered owner of the same, subject to his furnishing *Superdarinama* in the sum of Rs.1,00,000/- with one surety in the like amount and subject to the condition that he would produce the weapon in question before the Court on each and every date of hearing, would not change its structure, colour etc. during the pendency of the trial and would not dispose it of. Then vide order dated 19.01.2024, the learned Magistrate directed that the Supardari of the pistol in question be cancelled as it had not been produced by the petitioner in the Court during the time of cross-examination of the witnesses that amounted to non-compliance of the terms and conditions passed in order dated 10.05.2021.

4. The petitioner has challenged the order dated 19.01.2024 by submitting that he never violated the terms and conditions of orders releasing the case property on Supardari. He was not heard before passing of the impugned order. He is ready to produce the weapon as and when required. As such, he has already produced the same in pursuance of the directions issued to

him and the witness before whom it (the pistol) was required to be produced,



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has also been examined. Therefore, it is argued that the impugned order be recalled.

5. It will be relevant to mention here that vide order dated 06.03.2024, the operation of the impugned order (Annexure P-4) was directed to be stayed subject to petitioner's producing the pistol in question before the learned trial Court on the next date of hearing.

6. Today learned counsel for the petitioner has placed on record a copy of the order dated 12.03.2024 showing that the petitioner had produced the case property i.e. pistol in question before the learned trial Court on the same date and after concluding the testimony of one witness, the same had been returned back to the petitioner.

7. Since the petitioner is ready to abide by the conditions to be imposed upon him for production of the pistol in question as and when required and since he is the registered owner of the same, therefore, the impugned order is set aside and the custody of the pistol in question is ordered to be retained by him during the pendency of the trial subject to the condition that he shall appear before the learned trial Court within a period of 20 days and shall furnish bonds alongwith an undertaking to the effect that he would produce the pistol in question as and when required, will not change its structure and will not dispose it of.

8. Accordingly, the present petition is allowed. A copy of this order be sent to the concerned Court for information.

22.11.2024

D.Bansal

(MANISHA BATRA)
JUDGE

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No