

288+116
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13567-2024 (O&M)
Date of decision: 09.04.2024

Vikrant Alias Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Narender Kaajla, Advocate and
Mr. Ajay Nain, Advocate for the applicant-petitioner.

Mr. Viney Phogat, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

CRM-14370-2024

Allowed as prayed for.

Affidavit of Birbal @ Beer Katariya Annexure P-7 is taken on record.

CRM-M-13567-2024

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. for setting aside the impugned order dated 13.02.2024 Annexure P-4 passed by the Court of Additional Sessions Judge, Hisar whereby an application filed by the petitioner seeking release of his arms licence bearing number 85/DM/Jind was disposed of with direction to release the said arms licence for a period of 2 weeks to allow him to deposit his another licenced weapon in the armory and thereafter to re-deposit the

said arms licence in the trial Court subject to furnishing of superdarinama in sum of Rs.20,000/- with one surety in like amount, in a criminal case having FIR No.153 dated 20.04.2022, under Section 392 IPC and Section 25 of Arms Act, Police Station Sadar Hansi, District Hisar, (offence under Section 397 IPC added later on).

2. The counsel for the petitioner submits that the petitioner is having two licenced fire arms which are covered under arms licence in question whose copy is Annexure P-2. That one of the said licenced weapons was seized by police along with aforesaid arms licence, in case having FIR No.153 dated 20.04.2022, Police Station Sadar Hansi, District Hisar as is detailed above. It is further submitted that petitioner is working as security guard and is taking his another licenced fire arm to his work place and as such is in a need of the aforesaid arms licence which is in the custody of the police. The counsel for the petitioner further submits that petitioner moved an application for release of his arms licence on superdari but the same was disposed of by the trial Court vide order Annexure P-4 as is detailed above whereby custody of the arms licence is to be given to the petitioner for a limited period of two weeks in order to deposit his another licenced weapon in the armory and then to redeposit the arms licence with the Court concerned. The counsel for the petitioner further submits that petitioner is working as a security guard and as such requires the said arms licence in order to handle his another licenced fire arm which he is regularly taking along with him to his work place. The counsel for the petitioner further submits that petitioner is ready to give undertaking that he will not misuse the said licenced weapon in any manner, in future except for the

purpose of doing his duty as a security guard. The counsel for the petitioner also referred to affidavit Annexure P-7 given by Birbal @ Beer Katariya to the effect that he is a Haryanvi Singer and petitioner is working as his personal security guard.

3. The present petition is resisted by the State counsel who on instructions from ASI Ramesh submits that the petitioner is habitual of misusing his licenced weapons and in case his arms licence is released then he will misuse his another licenced weapon. It is further submitted that there is no need for the petitioner to possess his arms licence which is in safe custody of the Court/police and there is no illegality in the impugned order Annexure P-4.

4. I have considered the submissions made by counsel for the parties.

5. As has been contended by counsel for the petitioner, petitioner is working as a security guard and requires arms licence in question to carry his second licenced weapon in order to perform his duty. In the given circumstances, no purpose will be served by keeping the arms licence of petitioner in custody of police or Court as petitioner is ready to give undertaking that he will not misuse his second licenced weapon which he is having with him.

6. In light of the above, the present petition is disposed of with direction to the learned trial Court to release arms licence of the petitioner on superdari to the petitioner on his furnishing superdarinama with one surety in like amount to the satisfaction of the Court concerned with undertaking to produce the said arms licence as and when directed by the

Court to do so and not to misuse the licenced weapon covered under the said arms licence and further not to transfer the licenced weapon which is taken into custody by the police in criminal case having FIR No.153 dated 20.04.2022, Police Station Sadar Hansi, District Hisar without prior permission of the Court concerned and is to renew the arms licence from time to time before its expiry.

7. The present petition is disposed of with aforesaid modification in impugned order dated 13.02.2024 (Annexure P-4).

09.04.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No