

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

CRM-M-32516-2020
Reserved on: 21.08.2024
Pronounced on: 30.08.2024

Sunita Duhan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
78	27.06.2020	Bapoli, Panipat	285 IPC and 25/27/30 of Arms Act

1. Seeking setting aside of impugned order dated 28.07.2020 passed by JMIC, Samalkha and order dated 11.09.2020 passed by Additional Sessions Judge, Panipat in the above captioned FIR against dismissal of the application to release petitioner's licenced gun, the petitioner has come up before this Court under Section 482 CrPC.

2. Petitioner filed an application before JMIC for releasing of the gun which was taken into possession by the police. She stated that she was married with late Sh. Naresh in 1990 and her husband was employed in ITBP, however her husband was murdered by anti-social elements. Even her jeth was also murdered. Because of two murders, her devar i.e. younger brother of deceased husband fell in bad company and was arraigned as an accused in multiple cases, however he was acquitted in most of the cases and convicted in one case and was sentenced to life imprisonment. Because of the apprehension of threat to the life of petitioner, her two sons and a daughter, she had applied for protection. She was apprehending threat to her life and had no source of livelihood. They were forced to move with relative but due to continuous harassment of police and social elements, at that time she had to marry with her devar Sonu who was confined in jail. She filed a petition in High Court where protection was granted and after that she got her marriage registered. After that whenever her newly husband would visit her on furlough in managing their livelihood and was finally released in 2018 but they want to live peacefully as such she wanted to apply for their security. She further submitted that she was granted security but due to administrative reasons, the same was withdrawn after 04

months. Subsequently, she was granted licence in 2019. Based on such licence, she has purchased the gun.

3. State counsel opposes the prayer and has referred to reply filed by concerned DySP in which it has been mentioned that petitioner has concealed most material facts. It has been stated that on 27.06.2020, a police officer received a video in which Sonu-husband of the petitioner was seen firing in open air by unauthorized weapon, based on which an FIR No.78 was registered under Section 285 IPC and 25 of Arms Act, Police Station District Panipat. Sonu was arrested on 28.06.2020 and he made disclosure statement that he had used the licenced weapon of his friend to create fear amongst the people and to celebrate his birthday. Based on such disclosure statement, the police has ceased the said licenced gun.

4. I have heard counsel for the parties and have gone through the pleadings and its analysis would lead to the following outcome. The alleged gun was recovered by the police on the disclosure statement under Section 27 of Indian Evidence act which is the first relevant fact. Thus, the petitioner had mis-used the terms and conditions of grant of licence and her husband had used the licenced gun to instill fear amongst people. It is strange that why the administration did not take steps to cancel the licence itself.

5. Petition is dismissed. All pending applications, if any also stand disposed.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.