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

CRM-M-726-2021

Date of Decision: 25.08.2025

WAZIR SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Buta Singh Bairagi, Advocate
for the petitioner.

Mr. G.S. Dhaliwal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. By way of this petition, the petitioner is seeking return of his **DBBL Gun .12** (Lic No.158/DM/Moga) which was taken into custody by the police during the investigation of FIR No.62 dated 10.06.2011, under Section 307, 325, 324 and 34 of IPC read with Section 27 of Arms Act registered at Police Station Mehna District Moga.

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. The said FIR has been lodged with the allegation that Wazir Singh who is holder of the said weapon under an Arm license had fired from the above said licensed gun during the occurrence in question. After the trial was concluded, Wazir Singh-petitioner and co-accused Kewal Singh were acquitted while Jugraj Singh and Baljinder Singh were held guilty and convicted under Section 326 of IPC.

4. As per report dated 12.11.2018 received from office of



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District Attorney as sought by Trial Court, appeal has been instituted by the convicts but no appeal has been instituted by the State against acquittal of Wazir Singh-petitioner and co-accused Kewal Singh.

5. Learned counsel for the petitioner argued that since the petitioner has already been acquitted and is the owner of the licensed gun, it ought to have been returned to him at the time of conclusion of the trial. No useful purpose will be served by detaining the same in the Police Station but Trial Court has wrongly declined the request and has refused the return of the gun.

6. On the other hand, learned State counsel has argued that CRA No.S-2785-SB of 2015 is still pending before the High Court which has been instituted by the co-accused who have been held guilty and convicted and since the gun in question is the case property, its production can be ordered by the High Court at the time of decision of the appeal and same, thus, cannot be returned till the decision of the appeal.

7. In my considered opinion, Trial Court has rightly refused to return the gun till the appeal preferred by the co-accused who have been held guilty and convicted is pending as the gun is the case property in the same case and High Court can summon and order its production while hearing the appeal. There is, thus, no reason to take a contrary view and the application in hand is ordered to be dismissed.

(YASHVIR SINGH RATHOR)
JUDGE

25.08.2025

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No