



CRM-M-58881-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on :19.11.2025

Harwinder Singh alias Raju

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (ORAL)

1. Instant petition has been filed under Section 528 of BNSS, seeking quashing of order dated 13.08.2025 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, Kapurthala as well as well order dated 25.08.2025 (Annexure P-5) passed by learned Additional Sessions Judge, Kapurthala in FIR No. 117 dated 25.08.2024 registered under Sections 109, 307, 3 (5) of BNS, 2023 and Sections 25, 27 of Arms Act (offence under Section 27 of Arms Act added later on) at P.S. Sadar Kapurthala, District Kapurthala whereby the Courts below have rejected the application of the petitioner for incorporating Section 27 of Arms Act in the bail order dated 21.03.2025 (Annexure P-2) and petitioner was granted default bail under Section 187 of BNSS.

2. During the course of hearing, it is informed that the petitioner was granted bail by the Court of learned Area Magistrate vide order dated 24.03.2025 and thereafter while filing challan on 25.03.2025 i.e. beyond limitation, one more offence i.e. Section 27 of the Arms Act was added and the same was found



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mentioned in the challan.

3. On particular query raised from the learned State counsel as to when and at what stage of investigation offence having been committed under Section 27 of Arms Act was found.

3. On being asked, learned State counsel refers to paragraph No. 4 of the status report dated 29.10.2025, which reads as under:-

“4. That present FIR has been registered on the basis of ruqa being sent for registration of FIR u/s 109, 307, 3(5) BNS and Section 25,27Arms Act and challan was also presented under these sections and charges were also framed under these sections however inadvertently due to typographical/technical issue section 27 Arms Act could not be shown in the FIR.”

4. Meaning thereby Section 27 of the Arms Act was existing even at the time of implication of the petitioner as accused in the said FIR, though due to the reason best known to the investigating officer may be inadvertent one, said Section was not mentioned in the FIR. Resultantly, it was not upon the petitioner to mention so in the application or to seek bail under the said provisions of Arms Act. Moreover, prime offence in which prosecution defaulted in presenting the challan within prescribed period attain to the committal of offence under Sections 109, 307, 3(5) of BNS and Section 25 of the Arms Act. It has been pointed out by the petitioner's counsel both Sections 25 and 27 of Arms Act are maximum punishable for a period of 07 years.

5. I have gone through the order dated 13.08.2025 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, Kapurthala whereby request for adding of Section 27 of Arms Act was declined and also order dated 25.08.2025 (Annexure P-5) passed by learned Additional Sessions Judge, Kapurthala, which

maintain the earlier order passed by learned Magistrate. Infact, the petitioner was



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required to move application for seeking bail under Section 27 of the Act also instead of seeking addition of the said offence in the bail order passed by learned Magistrate because, by the time when the bail order was passed on record, technically offence under Section 27 of the Arms act was never mentioned on record, therefor, the petitioner could have sought bail by arguing certain issues on the factual aspects. Thus, prayer itself was misconceived and, accordingly, the order was passed.

6. However, taking into the circumstances in its entirety that merely by dismissing the prayer now made by the petitioner through instant petition filed under Section 528 of BNSS, 2023, I find no justification by rejecting the same, creating unnecessary situation for the petitioner who has come to the Court for seeking some relief under the relevant provisions of the law. The default, if any is there, is broadly of the concerned officer of the investigating agency and not of the petitioner or his representing counsel nor of the Court below. Therefore, while exercising the inherent powers under Section 482 Cr.P.C. this Court has no hesitation in observing that the bail already granted to the petitioner by the Court of learned Magistrate would also cover the offence under Section 27 of the Arms Act also and for the said purpose, he would furnish fresh/adequate bail bonds before the trial Court concerned.

7. The petition stands disposed of.

19.11.2025

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(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO