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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 847/2024**

JATINDER SINGH BHANGU

.....Petitioner

Through: **Mr. Aamir Chaudhary, Advocate**

versus

STATE OF NCT OF DELHI THROUGH SHO, PS IGI AIRPORT

.....Respondents

Through: **Mr. Rahul Tyagi, ASC (CRL) with
Mr. Sangeet Sibou, Advocate for the
State**

CORAM:

HON'BLE MS. NEENA BANSAL KRISHNA

ORDER

22.12.2025

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1. The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "C.r.P.C.") has been filed on behalf of the Petitioner seeking to quash the FIR No. 85/2022 registered under Section 30 of the Arms Act, 1959 (hereinafter referred to the "Act, 1959") Police Station IGI Airport, Delhi and its consequential proceedings.
2. The Petitioner is a 39 year old businessman, a citizen and resident of Australia and was going back after visiting his family in Punjab when this incident happened.
3. On 06.03.2025, the Petitioner was travelling from New Delhi to Melbourne by Air India Flight No. AI-308. During the scanning of the baggage, 01 live cartridge was recovered from the Petitioner's bag.



4. In pursuant to this, the present FIR No. 85/2022 dated 06.03.2022 under Section 30 of the Arms Act, 1959 at P.S. IGI Airport, Delhi was registered. During the course of investigation, the Petitioner informed to the IO that the Petitioner was unaware about the presence of 01 live cartridge in his baggage and he is the license holder of the Arms License bearing no. **3593/DM/P/PS SDR PTA/MAY-2006 ID-5274I** which is valid for the state of Punjab and the said detected cartridge is issued on his valid Arms License.

5. The Petitioner submits that without knowing the fact that the single bullet is still inside the baggage and in a hurry to catch the flight without making proper sweeping of the baggage stuffed his personal belongings as he was unaware about the presence of the said cartridge in the baggage.

6. The Petitioner has been facing unnecessary problems due to pendency of the FIR and has sought quashing of the said FIR no. 85/2022 on the ground that there was no *mens rea* on his part to commit any offence as alleged. The Petitioner did not attempt to conceal the live cartridge and had voluntarily handed over his baggage for X-ray screening, where such items are easily detectable. It is thus evident from the record that the presence of the cartridge was without the Petitioner's knowledge, and he lacked the requisite intent to commit the alleged offence.

7. Further, the presence of one live cartridge in the bag was not within the knowledge of the Petitioner. Reliance has been placed on the decision of the Hon'ble Apex Court in Gunwant Lal vs. State of Madhya Pradesh, (1972) 2 SCC 194.

8. It is submitted that the recovery of live ammunition does not amount to commission of offence under Section 30 of the Arms Act, 1959. In view



of the fact that the bullets alone are "a minor part of ammunition" and fall within the ambit of Section 45(d) of the Arms Act, 1959.

9. Reliance has also been placed on a judgment of this Court in Chang Hong Saik Through SPA Arvinder Singh v. State, 2012 130 (DRJ) 504, wherein the FIR had been quashed under similar circumstances, observing that such recovery being minor part of ammunition as envisaged under Section 45(d) of the Arms Act, 1959.

10. The Petitioner was not in conscious possession of the ammunition as it was left behind in the baggage inadvertently.

11. It is settled law that the expression "possession" occurring in Section 30 of the Arms Act, 1959 means possession with the requisite mental element, i.e., conscious possession, and mere custody, without the awareness of the nature of such possession, does not amount to any offence under the Arms Act, 1959. The possession of any Firearm/ammunition must be a conscious possession, and only then would the ingredient of possession in similar context of a statutory offence, importing strict liability on account of possession of an unauthorized substance be understood.

12. Reliance is placed on Jerusalem v. State of Maharashtra (Criminal Writ Petition No. 3569/2011), wherein, following the Constitutional Bench decision in Sanjay Dutt, the FIR was quashed on the ground that the recovery of two live cartridges from the Petitioner's baggage did not constitute conscious possession. The Court accepted the Investigating Officer's opinion that there was neither sufficient evidence nor reasonable ground of suspicion to justify forwarding the accused to the Magistrate, rendering continuation of proceedings an abuse of process.

13. Reliance is also placed on Adhiraj Singh Yadav v. State (W.P.(Crl.)



754/2020, decided on 31.12.2020), wherein the Delhi High Court quashed the FIR arising out of recovery of 20 live cartridges from the petitioner's hand baggage at the airport. The Court accepted that the petitioner had borrowed the bag and lacked conscious possession or knowledge of the ammunition, which belonged to a licensed arms holder, and held that continuation of proceedings would not serve the ends of justice.

14. Reliance is placed on Chandrashekhar v. State (NCT of Delhi) (Crl. M.C. 1575/2020, decided on 26.11.2020) read with Ranvir Arora, Jagjeet Singh Jhaji and Parmeet Singh, wherein this Court consistently held that in the absence of conscious possession, no offence under Section 25 of the Arms Act, 1959 is made out. The Court further observed that mere possession of ammunition by a licensed holder, without any restriction on inter-State travel and absent *mens rea*, does not attract criminal culpability, and continuation of proceedings would be unsustainable in law.

15. Reliance is placed on Hasib Ahmed Fazli v. State (NCT of Delhi) (W.P.(Crl.) 2988/2019, decided on 23.10.2019), Surender Kumar Singh v. State (GNCT of Delhi) (W.P.(Crl.) 2143/2019, decided on 27.09.2019) and Gurpreet Singh Mangat v. State of Delhi W.P.(Crl.) 337/2020, decided on 16.03.2020), wherein this Court quashed the FIRs on the ground that there was no material to show conscious possession of live cartridges in the baggage of the petitioners. It was held that in the absence of *mens rea* or awareness, no offence under the Arms Act is made out and continuation of proceedings would not serve the ends of justice.

16. Reliance is placed on Suresh Kushwaha v. NCT of Delhi & Anr. (W.P.(Crl.) 1040/2021, decided on 07.09.2021), wherein this Court quashed the FIR holding that the Petitioner, though a valid arms licence holder for



the State of Uttar Pradesh, was not in conscious possession of the six live cartridges recovered from him, and therefore no offence under the Arms Act was made out.

17. Reliance is placed on Narender Pal Singh v. State (NCT of Delhi) (W.P.(Crl.) 74/2022, decided on 22.03.2022), wherein this Court held that mere custody of arms or ammunition, in the absence of awareness or conscious possession, does not constitute an offence under the Arms Act, 1959, and consequently quashed the FIR registered under Section 30 of the Arms Act.

18. Reliance is also placed on Jasbir Chahal v. State (GNCT of Delhi) (Crl.M.C. 854/2018, decided on 07.05.2018), wherein this Court held that “possession” under Section 25 of the Arms Act entails not merely physical custody but also the essential mental element of conscious possession. It was observed that mere custody without *mens rea* does not constitute an offence, and conscious possession of arms or ammunition is a sine qua non for attracting criminal liability under the Act.

19. The **Status Report** states that on 06.03.2022, a complaint was received at the police station regarding recovery of one live cartridge from the baggage of accused Jatinder Singh Bhangu, who was travelling from Delhi to Melbourne by Air India Flight No. AI-308. On the basis of the said complaint, an FIR under Section 30 of the Arms Act was registered.

20. During investigation, statements of witnesses under Section 161 Cr.P.C. were recorded and travel documents of the accused were collected. The accused disclosed that he is a permanent resident of Australia and stated that the cartridge was inadvertently left in his baggage by mistake. He produced a copy of his arms licence, which was found to be valid for the



State of Punjab only.

21. Further verification from the District Magistrate, Patiala confirmed that the arms licence was duly issued in favour of the accused and was valid till 04.05.2023. Verification from the licensed arms dealer, Bajwa Gun House, Patiala, also confirmed that the ammunition had been legally purchased by the accused on the said licence. The FSL report is stated to be awaited.

Submissions Heard.

22. Admittedly, one live ammunition has been recovered from the possession of the Petitioner while he was travelling from New Delhi to Melbourne. At IGI airport, New Delhi. The Petitioner's baggage was scanned at the security check, and one live cartridge was recovered.

23. As has been held in a catena of judgments, even a single ammunition recovered from the possession of a person, would amount to recovery of ammunition. However, in order to impute any culpability, the possession has to be conscious. The pre-condition for an offence under the Arms Act, 1959.

24. In *Ritesh Taneja vs. State & Anr.*, 2022 SCC OnLine Del 971, it has been explained by the Co-ordinate Bench of this Court that conscious possession of any firearm/ammunition entails strict liability on the offender.

25. In *Sanjay Dutt vs State through CBI, Bombay*, (1994) 5 SCC 410, the Constitution Bench of the Apex Court had reiterated as under: -

"The meaning of the first ingredient of "possession" of any such arms etc. is not disputed. Even though the word 'possession' is not preceded by any adjective like 'knowingly', yet it is common ground that in the context the word 'possession' must mean possession with the requisite mental element, that is, conscious possession and not mere custody without the awareness of the nature of such possession. There is a mental element in the concept of possession. Accordingly, the



ingredient of 'possession' in Section 5 of the TADA Act means conscious possession. This is how the ingredient of possession in similar context of a statutory offence importing strict liability on account of mere possession of an unauthorized substance has been understood. (See *Warner v. Metropolitan Police Commissioner*, (1969) 2 A.C. 256 and *Sambasivam v. Public Prosecutor, Federation of Malaya*, (1950) AC 458."

26. In *Gaganjot Singh v. State*, MANU/DE/3227/2014, the Co-ordinate Bench of this Court in similar facts, where a solitary live cartridge was recovered by the police from the Petitioner's bag which belonged to his uncle about which he expressed his lack of knowledge. It was held that the circumstances did not establish conscious possession. Relying on the decision in *Gunwantlal* (Supra), the FIR was quashed and the Petitioner was discharged.

27. Similar observations have been made consistently by the Co-ordinate Bench of this Court in *Narinderjit Kaur Singh vs. State (NCT of Delhi)* decided vide W.P.(CRL) 1669/2017 and *Nimesh Kumar vs. State of NCT of Delhi*, decided vide W.P.(CRL) 3540/2017.

28. The circumstances in which the live cartridge was recovered from his possession have been explained by the Petitioner who has stated that he was not even aware of the cartridges in his baggage. It is explained that the bag belonged to him and he holds a valid arms license. His possession was unconscious. The circumstances as explained by the Petitioner, clearly establish that there was no criminal intent either on part of the Petitioner.

29. In the light of the aforesaid judgments, the recovery of live cartridge from the bag of the Petitioner about which he was not even aware, does not disclose commission of any offence punishable under Section 25 of the Arms Act, 1959.



30. Accordingly, FIR bearing No. 85/2022 registered at Police Station IGI Airport, Delhi, for offence punishable under Section 30 of the Arms Act, 1959 and all consequential proceedings emanating there from are quashed.

31. The present Petition along with pending Application is disposed of.

NEENA BANSAL KRISHNA, J

DECEMBER 22, 2025/RS