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

+ **CRL.M.C. 3004/2025**

**BALDEV SINGH DHILLON**

.....Petitioner

Through: Mr. Devinder Singh & Mr. Satvinder  
Singh, Advs.

versus

**STATE NCT OF DELHI AND ANR**

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the  
State.  
SI Sunita Mann, P.S. IGI Airport.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT SHARMA**

**ORDER**

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**01.05.2025**

1. This hearing has been done through hybrid mode.

**CRL.M.A. 13357/2025**

2. Exemption allowed, subject to just exceptions.

3. Application stand, disposed of accordingly.

**CRL.M.C. 3004/2025**

4. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short, 'BNSS') has been filed seeking quashing of FIR No. 428/2022, under Section 25 of the Arms Act, 1959, registered at PS IGI Airport, New Delhi, along with all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Sh. Pranav Joshi, learned ACMM, Patiala House Courts, New Delhi.

5. The case of the prosecution is that on 04.10.2022 at 23:16 hours, the

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present petitioner, while travelling from Delhi to Paris by flight No. AF0225, was called for the screening of his hand baggage by the complainant, a CISF SI, and during the screening, an image of ammunition was noticed and the said baggage was referred for physical check. The said baggage was then identified by the present petitioner and physically checked by the complainant in his presence and during the same, 01 live ammunition mark .32 S & W.L Caliber was recovered from the hand baggage of the petitioner. It is the case of the prosecution that the petitioner was not having any valid license in his possession for carrying ammunition in his hand baggage. Thereafter, *ruqqa* was prepared and sent for registration of FIR. During investigation, notice under Section 41A of the CrPC was served to the petitioner and on interrogation, he stated that he is a farmer by occupation and his son, Navjeet Singh, is residing in Canada for past 4 years and his marriage was scheduled on 16.10.2022 and to attend same, he along with his wife was travelling to Canada and during security check, the complainant apprised him that there is one live cartridge in the his hand baggage. The petitioner produced a valid license of Punjab before the Investigating Officer. On completion of investigation, chargesheet was filed before the Court of competent jurisdiction for the offence punishable under Section 25 of the Arms Act. Learned ACMM took cognizance of the offence alleged against the present petitioner and issued summons to him *vide* order dated 29.07.2024.

6. Learned counsel for the petitioner submits that the latter was not aware of the fact that there is a live cartridge in his hand baggage and the same was apprised to him by the complainant during the checking itself. It is the case of the petitioner that even otherwise, he holds a valid licence and during investigation of the present FIR, the same was handed over to the

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Investigating Officer. It is further submitted that the said licence of the petitioner was found valid on verification and learned ACMM *vide* order dated 29.07.2024 had erroneously taken cognizance of the offence alleged in the chargesheet against the present petitioner. It is further submitted that mere possession without conscious possession does not constitute an offence punishable under Section 25 of the Arms Act. Reliance has been placed on order dated 23.04.2025 passed by a Coordinate Bench of this Court in **W.P.(CRL) 1166/2025** titled as '**Jatinder Singh v. State NCT of Delhi & Anr.**' wherein, a case involving similar facts, the Court had quashed the FIR. Reliance has also been placed on **Gunwant Lal v. State of Madhya Pradesh, AIR 1972 SC 1756** and **Sanjay Dutt v. State through CBI, Bombay, (1994) 5 SCC 410**.

7. *Per contra*, learned APP for the State submits that the subject cartridge was recovered from hand baggage of the present petitioner during checking by the complainant and the same was not declared by him prior to his travel. He further submits that when the petitioner was asked to show documents pertaining to the possession of the ammunition, he was not able to provide the same at the airport. It is further submitted that the licence produced by the petitioner is restricted to the State of Punjab.

8. Heard learned counsel for the parties and perused the records.

9. As per the case of the prosecution, 01 live .32 bore cartridge was recovered from the hand baggage of the petitioner, during the physical checking, by the complainant at the airport. During the course of investigation, the petitioner had produced before the Investigating Officer a valid licence issued by Office of the District Magistrate, Barnala, Government of Punjab, showing that the petitioner has been permitted to hold a weapon of

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.32 Bore Revolver/Pistol which is valid till 2027 and was valid at the relevant point of time, when the subject cartridge was recovered from the hand baggage of the petitioner at IGI Airport, Delhi.

10. On a pointed query, learned APP for the State, on instructions of the Investigating Officer, submitted that the licence of the petitioner, on verification, was found valid and the same formed part of the chargesheet filed before the concerned learned Trial Court.

11. In **W.P.(CRL.) 754/2020** titled as '**Adhiraj Singh Yadav v. State**', *vide* order dated 31.12.2020, Coordinate Bench of this Court quashed an FIR registered in similar circumstances by observing as under: -

“12. In view of the above, it is well settled that an offence under Section 25 of the Arms Act would not be made out in cases where the suspect was not conscious that he was in possession of live ammunition.

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14. This Court has in several cases held that unconscious possession would not attract the rigours of the said Act. [See: **Surender Kumar @ Surender Kumar Singh v. The State (GNCT of Delhi) &Anr.: W.P. (Crl) 2143/2019 decided on 27.09.2019; Aruna Chaudhary v. State &Ors.: W.P. (Crl.) 1975/2019 decided on 25.09.2019 and Paramdeep Singh Sran v. The State (NCT of Delhi) W.P.: (Crl) 152/2019 decided on 29.08.2019**].”

12. Further, a Coordinate Bench of this Court in **Namanpreet S. Dillon v. State, 2022:DHC:2864**, while quashing a FIR wherein one cartridge was recovered, had observed as under: -

“11. Extrapolating from the principles enunciated in the above judgements, ‘conscious possession’ is a core ingredient to establish the guilt for offences punishable under the Arms Act, 1959. Mere possession without the awareness cannot make the accused liable of the offence.

12. In the instant case, the claim of the Petitioner is that his Paternal Uncle (Tayaji) Sh. Palwinder Singh Dhillon had an arms licence and



it was his cartridge that inadvertently remained in the pocket of his trouser which was detected by the X-ray Machine at the Departure Hall at the IGI Airport.

13. It is very much evident from the facts that the Petitioner was indeed not in conscious possession of the cartridge but rather inadvertently carried it with him during the X-ray Scan.

15. It is apparent from the facts of the case that only a single cartridge has been recovered from the Petitioners and no other fire arm has been recovered from him which makes it clear that the petitioner was not having conscious possession of the live cartridge. This is a testament to the fact that there was no *animus possidendi*.

16. In light of the mentioned judgements, where the facts are *para materia* to the facts of the instant case and taking into account the fact that the Petitioner was indeed not in conscious possession the FIR No. 0308/2021 dated 15.11.2021 under Section 25 of the Arms Act, at P.S IGI Airport against the petitioner is hereby quashed and thus the proceedings emanating there from against the petitioner are also quashed.”

13. The petitioner is a valid licence holder in respect of .32 Bore weapon. In the present case, the allegation is of carrying 01 live .32 Bore cartridge without authorisation. The case of the petitioner is that he might have inadvertently carried the same as he along with his wife was going to Canada to attend the wedding of their son, who was residing there for the past 4 years. The petitioner has been able to provide probable cause for possession of the cartridge recovered from him. He holds a valid arms licence and there is no reason to doubt that the recovered live cartridge was found on account of a genuine mistake. The investigation in the present case is complete and the chargesheet has been filed before the Court of competent jurisdiction. As per the final report, nothing has come on record to doubt the explanation given on behalf of the petitioner.

14. In view of the aforesaid facts and circumstances of the present case, no useful purpose will be served by continuing with FIR No. 428/2022, under

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Section 25 of the Arms Act, 1959, registered at PS IGI Airport and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Sh. Pranav Joshi, learned ACMM, Patiala House Courts, New Delhi.

15. The present petition is allowed and FIR No. 428/2022, under Section 25 of the Arms Act, 1959, registered at PS IGI Airport and all other consequential proceedings emanating therefrom including the chargesheet pending in the Court of Sh. Pranav Joshi, learned ACMM, Patiala House Courts, New Delhi, is hereby quashed.

16. Pending application(s), if any, also stand disposed of accordingly.

17. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.

18. Order be uploaded on the website of this Court *forthwith*.

**AMIT SHARMA, J**

**MAY 01, 2025/nk/ns**

[Click here to check corrigendum, if any](#)