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

+ **CRL.M.C. 5524/2025 & CRL.M.A. 23650/2025,**  
**CRL.M.A. 23651/2025**

**DALJIT SINGH**

.....Petitioner

Through: Mr. Praveen Agarwal,  
Adv. along with Mr.  
Stanzin Uran & Ms.  
Shikha Jha, Advs.

versus

**STATE (NCT OF DELHI)**

.....Respondent

Through: Mr. Sunil Kumar Gautam,  
APP for the State.  
SI Mohit Bamel, PS  
Begumpur.

**CORAM:**

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

**ORDER**

**12.08.2025**

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1. The present petition is filed seeking quashing of FIR No. 243/2015 dated 01.03.2015, registered at Police Station Begumpur for offences under Section 336 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959.

2. The FIR was registered on a complaint given by CT Rahul. It is alleged that on the night of 28.02.2015, the complainant was posted as PSO with one Bhupendra @ Monu. It is alleged that said Bhupendra @ Monu was drinking alcohol with his friends inside the office. At around 10:15 PM, accused Vikas Thakran came out of the office, and thereafter the present petitioner also came to the office in his car. It is alleged that as soon as the car stopped near the office, accused Vikas Thakran came to the petitioner and in order to celebrate the arrival of the petitioner, he took out a pistol from the right pocket of his jeans and fired one

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shot in the air and two shots at the car of the petitioner. Thereafter, it is alleged that the petitioner also came out of his car, took the pistol from accused Vikas Thakran and fired two shots in the air in celebration. The same led to the registration of the FIR.

3. The learned counsel for the petitioner submits that the petitioner has been unnecessarily implicated in the present case. He submits that the only allegation against the petitioner is that he fired two shots in the air in celebration. He submits that the same does not suffice to attract Section 336 of the IPC because the act of the petitioner did not have the impact of endangering the life or personal safety of any other person. He submits that no other person is alleged to have been present at the spot at such time when the petitioner had fired the shots. He consequently submits that the essentials of Section 336 of the IPC are not made out in the present case.

4. He submits that even the ingredients of Section 27 of the Arms Act, 1959 are not made out in the present case. He relies upon the judgment passed by the Hon'ble Apex Court in the case of ***Deomuni Sharma v. State of Jharkhand : Criminal Appeal No. 718/2003 dated 26.05.2009.***

5. The chargesheet in the present case has already been filed.

6. While the exercise of power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is not barred when there is an alternative remedy, a litigant cannot be allowed to circumvent or subvert the due procedure of law on mere apprehension of prolonged trial unless the allegations when taken at face value does not appear improbable in nature.



7. In the present case, the petitioner essentially seeks quashing on the ground that the only allegation against the petitioner is that he fired two shots in the air in celebration. It has been argued that the same does not attract the ingredients of Section 336 of the IPC since the act of the petitioner did not have the impact of endangering the life or personal safety of others since no one is alleged to have been present at the spot at the time when the petitioner fired the two shots. The same, in the opinion of this Court, cannot be a ground to quash the FIR at this stage. Whether the act of the petitioner had the impact of endangering the life or personal safety of others would be examined during the course of the trial. The said aspect cannot be commented upon at this stage when undisputedly petitioner was not the only person present at the place of incident.

8. Insofar as the contention in regard to Section 27 of the Arms Act, 1959 is concerned, the learned counsel for the petitioner has relied upon the judgment of the Hon'ble Apex Court in **Deomuni Sharma v. State of Jharkhand** (*supra*) to argue that the essentials of Section 27 of the Arms Act, 1959 are not made out. It has been argued that in the said case, the accused too had fired in the air, and the same was not held to be in contravention of Section 27 of the Arms Act, 1959. In the opinion of this Court, the law laid down in the said case is not applicable on the facts of the present case.

9. Section 27 of the Arms Act, 1959, reads as under:

*“27. Punishment for using arms, etc.--(1) Whoever uses any arms or ammunition in contravention of section 5 shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.*

*(2) Whoever uses any prohibited arms or prohibited ammunition*



*in contravention of section 7 shall be punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and shall also be liable to fine.*

*(3) Whoever uses any prohibited arms or prohibited ammunition or does any act in contravention of section 7 and such use or act results in the death of any other person, 2[shall be punishable with imprisonment for life, or death and shall also be liable to fine.”*

10. Hon’ble Apex Court in ***Deomuni Sharma v. State of Jharkhand*** (*supra*) was dealing with the case where the accused was using a licensed gun and the same as noted by the Hon’ble Apex Court had been used to scare the aggressors. It was consequently noted that considering the fact that the appellant was using a licensed gun, and the same had been used to scare the aggressors, the convict was liable to be acquitted of the offence under Section 27 of the Arms Act, 1959.

11. In the present case however, the allegations against the petitioner make it manifest that he had taken the pistol from accused Vikas Thakran and had thereafter fired two shots in the air in celebration. It is not disputed that the pistol did not belong to the petitioner. If the argument sought to be raised by the petitioner is accepted then everyone would be permitted to fire with impunity. Whether the act of the petitioner would attract liability or not would be tested during the course of the trial, however, at this stage, it is not in dispute that a dangerous weapon was used by the petitioner.

12. Concededly, the matter is now listed before the learned Trial Court for arguments on charge on 29.08.2025. The learned Trial Court is well within its powers to consider all the arguments raised by the petitioner.

13. The present petition is accordingly dismissed with liberty



to the petitioner to take all arguments before the learned Trial Court who would consider the allegations on its own merits after perusing the evidence that is brought on record uninfluenced by any observations made in the present order.

14. Needless to state, the petitioner is at liberty to approach this Court in case any grievance remains in future.

15. The present petition as well as the pending applications stand disposed of in the aforesaid terms.

**AMIT MAHAJAN, J**

**AUGUST 12, 2025**