



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

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Date of decision: 12.03.2026

CRA-S-2142-SB-2011

CHAMKAUR SINGH @ GHORI

.....Appellant

VERSUS

STATE OF PUNJAB

.....Respondent

CRA-S-2796-SB-2011

MANPREET SINGH @ PEETA AND OTHERS

....Appellants

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Ashish Gupta, Advocate and
Mr. Varun Gupta, Advocate
for the appellant in CRA-S-2142-SB-2011.

Ms. Aakanksha Dogra, Advocate (Legal Aid Counsel)
for the appellant(s) in CRA-S-2796-SB-2011.

Dr. (Ms.) Savi Nagpal, Asst. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

Both these appeals, arising out of the judgment of conviction
dated 05.08.2011 and order of sentence dated 08.08.2011 passed by the

Court of Sessions Judge, Faridkot in case bearing FIR No. 111 dated 17.11.2010 registered under Sections 399/402/411 of the Indian Penal Code, 1860 and Sections 25 of the Arms Act, 1959 at Police Station Jaitu are being decided by a common judgment.

2. Counsel for the appellant in CRA-S-2796-2011 has not entered appearance despite the matter having been passed over twice to enable his appearance whereas Mr. Ashish Gupta, Advocate with Mr. Varun Gupta, Advocate is present in Court in CRA-S-2142-SB-2011 and submitted that they intend to argue the matter.

3. The appeal pertains to the year 2011 and already a period of nearly 15 years has elapsed. Further wait is not justified. Accordingly, Ms. Aakanksha Dogra, Advocate (Legal Aid Counsel), Enrollment No. PH/8348/2023, Mobile No. 6280423483 who is present in the Court is appointed as the Legal Aid Counsel to assist this Court on behalf of the appellant in CRA-S-2796-2011. She, alongwith Counsel for the appellant(s) in CRA-S-2142-SB-2011 has gone through the record and assisted this Court.

4. Briefly, the facts of the present case are that a secret information was received by Sub Inspector-Jasvarinder Singh, SHO, Police Station Jaitu that on 17.11.2010, at about 7:30 p.m., he alongwith other Police officials was present on patrolling duty in the official vehicle Bolero bearing registration No. PB-04J-3589 driven by Head Constable Sukhvir Singh. At about 7:00 P.M., a secret information was received to the effect that Chamkaur Singh (Appellant in CRA-S-2142-SB-2011), Babbu, Peeta @ Manpreet, Kundan, Deepak and Guttra (Petitioner in CRA-S-2796-SB-2011- other than Kundan) were armed with illegal weapons and were planning to

commit robbery and dacoity upon rich persons and that these persons had formed a gang for looting people and for committing thefts. In case a raid was conducted, they could be apprehended. Finding the information to be reliable and trustworthy, Sub Inspector-Jasvarinder Singh prepared a ruqa Ex. PF and sent the same to the Police Station for registration of FIR Ex. PF/01 by ASI Lachhman Singh. A raid was thereafter conducted, whereupon Manpreet Singh @ Pitta and Chamkaur Singh @ Ghorri were apprehended by the Police party. On personal search of Chamkaur Singh @ Ghorri one country made .12 bore pistol EX. MO1 along with three live cartridges Ex. MO2 to Ex. MO4 were recovered. A rough sketch of the weapon Ex. PF/02 was prepared. A motorcycle make Yamaha Ex. MO5 was also recovered from the appellant-Manpreet Singh which is taken in possession through memo Ex. PF/04. One Kirpan Ex. MO6 and a stolen motorcycle bearing registration No. PB-03-K-1279 make Hero Honda Passion were recovered from Manpreet Singh which was also taken in Police custody. One Kappa Ex. M09 was recovered from Guttra, Kirpan from Anmol Singh @ Babbu Ex. MO8 and dagger Ex. MO10 from Deepak were also recovered and the same were taken in Police possession through separate memos. The accused were thereafter produced before the Court and Police remand was sought. Accused Manpreet Singh @ Peeta, while in custody, suffered a disclosure statement that he had concealed three bicycles under wheat chaff in a room in the abandoned Government Hospital building. The same were later recovered and taken into Police custody. Similar recoveries were also effected at the disclosure of the other accused.

5. On the completion of investigation, a final report under Section 173 Cr.P.C. was filed. The matter was committed to the Court of Sessions.

Finding a *prima facie* case, charges under Section 399, 402 and 411 of the Indian Penal Code, 1860 and Section 25 of the Arms Act were framed against the accused vide order dated 12.07.2011 to which they pleaded not guilty and claimed trial.

6. Statements of prosecution witnesses were recorded whereupon the entire evidence was put to each of the accused separately and their individual statements were recorded under Section 313 Cr. P.C. Each of the appellant(s)-accused persons denied the allegations of the prosecution and raised up the plea of innocence and false implication. They prayed for leading defence evidence, however, they did not examine any person in defence. Eventually, defence evidence was closed. Parties were later heard at length and upon consideration of the respective arguments and the evidence brought on record, the accused-appellant(s) as under were convicted as under:-

(i)	<i>Manpreet Singh Alias Peeta</i>	<i>He was convicted u/s 411 of IPC for having retained in his possession a stolen motor cycle bearing No. PB-03K-1279.</i>
(ii)	<i>Chamkaur Singh</i>	<i>He was convicted u/s 25 of the Arms Act for his having been found in possession of one .12 bore country made pistol and 03 live cartridges without any license.</i>
(iii)	<i>Manpreet Singh @ Peeta</i>	<i>He was convicted u/s 25 of the Arms Act for his having been found in possession of one <u>Kirpan</u> without any authorization.</i>
(iv)	<i>Anmol Singh @ Babbu</i>	<i>He was convicted u/s 25 of the Arms Act for his having been found in possession one <u>Kirpan</u> without any authorization.</i>
(v)	<i>Guttra</i>	<i>He was convicted u/s 25 of the Arms Act for his having been found in possession one <u>Kappa</u> without any authorization.</i>
(vi)	<i>Deepak</i>	<i>He was convicted u/s 25 of the Arms</i>

		<i>Act for his having been found in possession one dagger without any authorization.</i>
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The co-accused Kundan was acquitted by the trial Court. All the accused were, however, acquitted of the charge under Section 399 and 402 IPC.

7. Vide order dated 08.08.2011, the appellant(s) were sentenced as under:-

Name of Convict	Offence u/s	Sentence
Manpreet Singh @ Peeta	411 of IPC	He was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 5,000/- and in default of payment of fine to further undergo R.I for two months.
Chamkaur Singh	25 of the Arms Act	He was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 5,000/- and in default of payment of fine to further undergo R.I for two months, for keeping in possession a .12 bore country made pistol and 03 live cartridges without license.
Manpreet Singh @ Peeta	25 of the Arms Act	He was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 2,000/- and in default of payment of fine to further undergo R.I for one month for keeping a Kirpan in his possession without any

		authorization.
Anmol Singh @ Babbu	25 of the Arms Act	He was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 2,000/- and in default of payment of fine to further undergo R.I for one month for keeping a Kirpan in his possession without any authorization.
Gutra	25 of the Arms Act	He was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 2,000/- and in default of payment of fine to further undergo R.I for one month for keeping a Kapa in his possession without any authorization.
Deepak	25 of the Arms Act	He was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 2,000/- and in default of payment of fine to further undergo R.I for one month for keeping a dagger in his possession without any authorization.

8. The sentences were ordered to run concurrently. Aggrieved of the above, the present appeals have been filed.

9. Learned Legal Aid Counsel appearing on behalf of the appellant (in CRA-S-2796-SB-2011) contends that there were material discrepancies in the testimony of the prosecution witnesses which stands corroborated from the fact that the charges under Section 399 and 402 were not proved. It

is contended that possession of motorcycle bearing registration No. PB-03-K-1279 being stolen and being with appellant-Manpreet Singh was not proved. Learned Counsel further contends that even though the appellant-Manpreet Singh @ Peeta has been convicted for commission of offence under Section 411, however, the said charge is based solely upon the disclosure statement of the co-accused, made while in Police custody. It is further contended that trial Court failed to appreciate that no Test Identification Parade was held for the appellants and that no independent witness was ever joined. Hence, the testimony of the Police official(s) has to be accepted with greater circumspection.

10. Counsel for the appellant-Chamkaur Singh (in CRA-S-2142-SB-2011) submits that he does not press the appeal on merits and confines his prayer only to the extent of sentence, seeking the benefit of probation. In this regard, he places reliance on the judgment passed by Hon'ble the Supreme Court in the matter of *"Chellammal and another versus State"* reported as **2025 SCC Online SC 870** and a judgment passed by this Court in the matter *"Darshan Singh versus the State of Punjab"* bearing **CRR-699-2011** decided on 02.04.2025 wherein benefit of probation had been extended. It is vehemently submitted by him that the appellant was less than 21 years of age as on the date of commission of the offence and has been sentenced to imprisonment for a period of two years out of which he has already undergone more than two months. Under similar circumstances, the accused had been granted benefit of probation by the Coordinate Bench of this Court.

11. Adverting to the argument advanced by the Legal Aid Counsel appearing on behalf of appellant(s)-Manpreet Singh @ Peeta, Anmol Singh

@ Babbu, Guttra and Deepak in CRA-S-2796-SB-2011, learned State Counsel contends that the charge pertaining to the appellant-Manpreet Singh @ Peeta being in possession of a stolen motorcycle stands fully established as not only the registration certificate had been proved on record as Ex. PB, even the PW-2-Rajiv, Clerk of the office of DTO, Bathinda also stepped into the witness box and deposed that the motorcycle bearing registration PB-03-K-1279 stood registered in the name of Raman Goyal. The said Raman Goyal appeared as PW-5 and proved the FIR Ex. PE which was registered by him pertaining to theft of his motorcycle. Eventually, the motorcycle was released to him on superdari by the Court vide Ex. PE/01. She thus contends that the charge of the motorcycle being stolen property stands fully established. She further contends that vague arguments with respect to inconsistencies in the testimony of the witnesses have been raised but there is no reference to any material discrepancy. All the recoveries stand fully established from the testimony of the witnesses and that merely because the Police witnesses have stepped into the witness box, the prosecution case would not fail on that ground alone. Presence of an independent witnesses is only at a test of prudence and is not an absolute rule and absence of an independent witness could not demolish the case of the prosecution in its entirety.

12. It is further contended that all the arguments advanced by the Counsel for the accused were considered earlier by the trial Court as well and no specific discrepancy in the testimony or recovery could be pointed out by the Counsel. It was specifically recorded by the Sessions Court that recovery of Kirpan, Kappa and dagger fall within the definition of arms as

defined under Section 2 (c) of the Arms Act, 1959. The discussion on the aspect reads thus:-

*“14. Though the learned defence counsel for accused Manpreet Singh alias Peeta, Anmol Singh alias Babbu, Guttra and Deepak have vehemently argued that the recovery of **Kirpans, Kappa** and dagger does not fall within the term **"arms"**. However, the contention of the learned Public prosecutor as to the definition of **"arms"** detailed in section 02 of the Arms Act, 1959 means articles of any description designed or adapted for offence or defence and includes fire arms, sharp edged and other deadly weapons, but not include articles designed solely for domestic or agricultural uses. More so, our own Hon'ble High Court in **AIR 1968 (Punjab & Haryana), 520, Ram Rattan Puran Singh vs. The State** defines the term **"arms"** to be an article of any description designed or adapted as weapon for offence or defence and in which sharp edged weapons are included, which could be adapted or designed as weapons for offence or defence. The learned defence counsel for these accused could not controvert the recoveries of these weapons from the conscious possession of the accused as the very testimony of PW06 Jasvarinder Singh establishes the recovery of **Kirpan** Ex. MO6 from the conscious possession of accused Manpreet Singh alias Peeta, which was taken into police possession through recovery memo Ex. PF/04 and similarly has proved the recovery of **Kirpan** Ex. MO8 from the conscious possession of accused Anmol Singh alias Babbu, which was taken into police possession through recovery memo Ex. PF/05 and **Kappa** Ex. MO9 recovered from the conscious possession of accused Guttra was taken into possession through memo Ex. PF/06, rough sketch of which has been proved as Ex. PF/07 and similarly recovery of dagger Ex. MO10 has been proved through rough sketch Ex. PF/08 and recovery memo Ex. PF/09 from the conscious possession of accused Deepak and which weapons are sharp edged long weapons, which can be easily used for the offence and defence and, therefore, fall within the definition of **"arms"** as detailed in section 2 (c) of*

*the Arms Act, 1959 and in the absence of any evidence to the contrary the truthfulness of the prosecution version to that extent certainly needs to be accepted and, thus, these accused **Manpreet Singh alias Peeta, Anmol Singh alias Babbu, Guttra and Deepak are clearly held guilty for the commission of offence under section 25 of the Arms Act.***”

13. I have heard learned Counsel appearing on behalf of the appellant(s), I find that the Legal Aid Counsel has not been able to point out any discrepancy in these testimony of witnesses or any illegality or perversity or misappreciation of the evidence by the Court of Sessions, Faridkot while convicting the appellants of the offences in question. The appellant Manpreet was convicted for offences under section 411 IPC and 25 of the Arms Act, while Anmol Singh @ Babbu, Guttra and Deepak were convicted under the Arms Act. The recovery of arms and the stolen motorcycle from the appellants-accused was fully established and proved. The prosecution witnesses proved the recovery and the seized weapon fall within the definition of arms as per the Arms Act, 1959. The appeal, in so far as the merits are concerned, is accordingly dismissed.

14. Faced with the above, Counsel for the appellant(s) in CRA-S-2796-SB-2011 prays that the sentence awarded to the appellants herein needs to be suitably modified. It is submitted that the appellants-Manpreet Singh @ Peeta, Guttra and Deepak were below 20 years as on the date of commission of offence, while Anmol Singh @ Babbu was about 24 years of age. She contends that the sentence awarded to appellant(s) Anmol Singh @ Babbu, Guttra and Deepak is only for commission of offence(s) under Section 25 of the Arms Act, 1959 and they were awarded rigorous

imprisonment for a period of one year, while Manpreet Singh @ Peeta was awarded one year for being in possession of the Kirpan and two years for being in possession of the stolen motorcycles under Section 411 of the IPC. Chamkaur Singh was sentenced to rigorous imprisonment for a period of two years. She contend that out of the sentence of 01 year, Deepak Kumar has already undergone a total sentence of 11 months and 30 days including remissions. Ramesh Kumar @ Guttra has undergone a total sentence including remissions of one year and 30 days. She contends that the appellant(s) Anmol Singh has also undergone a total sentence including remissions for 11 months and 30 days while Manpreet Singh @ Peeta has undergone a total sentence of two years, two months and 30 days including remissions.

15. It is evident that the appellant(s) in CRA-S-2796-SB-2011 have already completed their sentence, hence, there is no scope for any modification in the order granting sentence. Hence, the prayer is declined. Consequently, **CRA-S-2796-SB-2011 is dismissed.**

16 Now, Adverting to **CRA-S-2142-SB-2011** filed by Chamkaur Singh, it has been argued that he was below 21 years of age as on the date of commission of offence and has not been convicted in any other criminal case. He was nominated as an accused in one FIR No. 58 wherein he was acquitted by the trial Court.

17. While referring to the aforesaid judgments as well as the observations made herein above, the appeal bearing No. **CRA-S-2142-SB-2011 is partly allowed.** The sentence awarded to the appellant-Chamkaur Singh is modified. He is ordered to be released on probation of good conduct

for a period of six months on his furnishing probation bonds to the satisfaction of the trial Court.

18. A copy of this order be sent to the High Court Legal Service Committee for information and necessary action as well as to the learned Chief Judicial Magistrate concerned for appointment of Probation Officer.

MARCH 12, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No