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

CRA-S-273-SB-2005
Date of Decision:14.05.2026

Raj @ Rijwan ...Appellant

Vs.

State of Haryana ...Respondent

(ii) CRA-S-307-SB-2005

Rajesh ...Appellant

Vs.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Parveen Sharma, Advocate
for the appellants (POA filed)

Mr. Rajinder Kumar Banku, Sr.DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. This judgment shall dispose off two criminal appeals i.e **CRA-S-273-SB-2005** titled as "**Raj @ Rijwan Vs. State of Haryana**" and **CRA-S-307-SB-2005** titled as "**Rajesh Vs. State of Haryana**", which have been directed against the common impugned judgment of conviction dated 13.01.2005 and order of sentence dated 15.01.2005 whereby, the appellants have been convicted for commission of the offence punishable under Section 25 of Arms Act and were sentenced accordingly.

2. The brief facts of the prosecution case are that on 30.05.2003, SI Yashpal Singh, Incharge of C.I.A. Staff, Sonapat and at about 07:00 P.M., he was present at Namaste Chowk, Ganaur, along with other police officials, where he met A.S.I Jagpal from Police Station City, Ganaur, who was also accompanied by other police officials. A secret about information was received

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by S.I Yashpal Singh that about 7/8 persons were planning to loot Jain Petrol Pump, G.T. road, Ganaur and they were armed with deadly weapons. The secret information further revealed that they were sitting in a deserted house where the plan was being finalised by them and the said house was near Jain Petrol Pump, G.T Road, Ganaur. It was also revealed that if raid is conducted forthwith, then those boys could be apprehended. On receipt of this information, S.I Yashpal Singh formed three raiding parties, out of which one was headed by A.S.I Jagpal and the second team was to be headed by A.S.I Kalandar Singh, whereas, third team was to be headed by S.I Yashpal Singh himself. At the relevant time, S.I Yashpal Singh was in Govt. Jeep along with his fellow police officials. Whereas, A.S.I Jagpal and his companions (Police officials) were in a private Jeep. Both government Jeep and private Jeep were parked near Jain Petrol Pump and raiding teams proceeded to the disclosed place on foot. At a distance of 50/70 yards was the deserted Kotha from Jain Petrol Pump. The necessary instructions were passed on by SI Yashpal Singh to the members of the raiding teams and they were told that as soon as they get torch signal from S.I Yashpal Singh, they would surround the deserted Kotha. S.I Yashpal Singh reached near the window of the deserted Kotha on the western side and overheard them. One of them was saying that he and Rajesh will over-power the employees of Petrol Pump and Rijwan will cordon the petrol pump at the time of dacoity and will not allow any body to enter the compound of petrol pump. He was further saying that remaining members will snatch the cash at petrol pump. On hearing this conversation, S.I Yashpal Singh gave the torch signal and the police parties surrounded the Kotha from all directions and S.I Yashpal

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gave a *Lalkara* to the accused from all directions that they should surrender before the Police. On hearing this, two of the accused fled away from the spot due to darkness whose names were subsequently confirmed as Krishan and Shokat, whereas, the remaining accused were apprehended at the spot by police parties. Accused Brahampal was having .12 bore country made pistol duly loaded in the right dub of his trouser. The recovered pistol and cartridge were put into a sealed parcel and the seal of “YP” was affixed on the same by S.I Yashpal Singh and the sketch of country made pistol was prepared as Ex. PB/1 and they were taken into possession vide recovery memo Ex. PB. The pistol has been proved as Ex. P-1 and cartridge has been proved as Ex. P-2. The search of accused Rajesh son of Ram Dhan also led to recovery of .315 bore country made pistol duly loaded from the right dub of his trouser. The pistol and cartridge were put into a sealed parcel and seal “YP” was affixed on the same. Rough sketch of the pistol been proved as Ex. PC/1 and they were taken into possession vide recovery Memo Ex. PC. The pistol has been proved as Ex. P.3 and the cartridge has been proved as Ex. P.4. The personal search of Rijwan led to a spring actuated knife Ex. P.5 which was taken into possession vide recovery Memo Ex. PD after preparing sketch of the same as Ex. PD/1. It was put into a sealed parcel and seal of “YP” was affixed on the said parcel. Knife has been proved as Ex. P-5. The search of Raju son of Jai Kishan, resulted into recovery of Khokhri from his right dub which been proved as Ex. P.6 and the same was taken into possession vide recovery Memo Ex. PE after preparing sketch of the same as Ex. PE/1 and putting the same into a sealed parcel with seal of “YP”. The search of accused Rajesh, son of Raghunath, led to the

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recovery of iron rod, Ex. P.7, which was taken into possession vide recovery Memo Ex. PF after preparing the sketch of the same as Ex. PF/1. Similarly, search of accused Ram Niwas led to recovery of iron rod Ex. P.8 which was taken into possession vide recovery Memo Ex. P-8 after preparing its sketch as Ex. PG/1.

3. After necessary investigation, challan was presented against all the appellants. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 399,402 of IPC and under Section 25 of Arms Act was made out against the appellants and they were charge-sheeted accordingly. However, they pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the appellants, the prosecution examined 09 witnesses.

5. After the closure of the prosecution evidence, the statements of appellants were recorded under Section 313 Cr.P.C and all the incriminating evidence was put to them, to which they pleaded that they had been falsely involved in the present case. No defence evidence was led by the appellants in their defence.

6. At the very outset, learned counsel appearing on behalf of the appellants submit that they do not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to them. Even though, learned counsel for the appellants has not challenged the judgment of conviction, still this Court has considered the case on merits.

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7. I have heard the learned counsel for the parties and with their able assistance; I have gone through the trial Court record carefully

8. In order to prove the charge, the prosecution examined PW-1 Rajesh Kumar, Draftsman, who had prepared the scaled site plan. The prosecution examined PW-2 A.S.I Jagpal Singh, who was heading the team, which raided the place of assembling of the accused in the present case and recoveries were made from them. PW-3 S.I Sant Kumar had recorded the formal F.I.R in the present case and had despatched special reports. PW-4 Ram Rattan, A.S.I, got prepared the scaled site plan Ex. P.A. PW-5 Jagdish Rai was a witness to suffering of disclosure statements by the accused and the facts disclosed by them. PW-6, Inspector Prem Singh prepared the report under Section 173 Cr. P.C. PW-7 ASI Kalandar Singh, proved the arrest of Krishan. PW-8, S.I Yashpal Singh, complainant supported the case of the prosecution and he was also the I.O at the initial stage. PW-9, Ram Parkash, Reader to District Magistrate, Sonapat proved the sanction to prosecute accused Brahampal and Rajesh under the provisions of Arms Act.

9. From the statements of aforesaid witnesses, it is apparent that the prosecution had been able to prove the charge under Section 25 of Arms Act against both the appellants and they were rightly convicted by the Trial Court. Even otherwise, I have gone through the judgment passed by the Trial Court and found that there is no illegality, perversity or infirmity in the impugned judgment passed by the Trial Court and the impugned judgment of conviction is ordered to be upheld.

10. Now, adverting to the order of quantum of sentence in the present

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case, this Court cannot lose sight of the fact that the F.I.R in the present case was registered on 30.05.2003 and the appellants are facing the agony of trial/appeal for the last about 23 years. Even though, other cases were ordered to be registered against both the appellants, however, they have been acquitted in those cases. Still further, the sentence imposed on the appellant, Raj @ Rijwan was ordered to be suspended by this Court on 10.02.2005, whereas, sentence imposed on appellant, Rajesh was ordered to be suspended by this Court on 15.02.2005 and since then they had maintained good conduct. Even as per the Custody Certificates, they had already undergone more than 02 months of actual custody. Consequently, the order of sentence is modified to the extent that the sentence imposed on the appellants are reduced to the period already undergone by them, however, the amount of fine will remain the same.

11. With the above modifications, the appeals are partly allowed and the impugned judgment of conviction is upheld, whereas, the sentence imposed on the appellants are reduced to the period already undergone by them and the amount of fine will remain the same.

12. Case property, if any, be dealt with as per rules.

13. The Trial Court record be sent back, if any.

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

(N.S.SHEKHAWAT)
JUDGE

14.05.2026
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No