



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-369-SB-2005
Date of Decision:12.05.2026

Gaurav Parkash @ Golu ...Appellant
Vs.
State of Haryana ...Respondent

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

Present: Ms. Harmanpreet Kaur, Advocate
for the appellant.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

N.S.Shekhawat J.

1. The appellant has filed the present appeal against the impugned judgment of conviction dated 31.01.2005 and order of sentence dated 02.02.2005, passed by the Court of Additional Sessions Judge-1, Rohtak, whereby the appellant was ordered to be convicted for the offence punishable under Section 25/54/59 of Arms Act and was sentenced as under:-

Under Section 25/54/59 of Arms Act	R.I for a period of one year and to pay a fine of Rs.500/-, in default of payment of fine, to further undergo RI for a period of three months.
------------------------------------	--

2. The brief facts of the present case are that on 19.4.2004, ASI Lekh Ram alongwith other police officials was present in Vaish College building, then he received an information about firing at the gate of Vocational Training Institute and when he along with police party was going there, Dharamender Singh met them and got his statement recorded that he was studying in Vaish



College Training, Rohtak he was in Computer Ist year and he was detailed for six months from the college. On that day, i.e. 19.4.2004, at about 10.30 A.M. in the morning, he alongwith his friends Viney, Vicky alias Vikash and Sanjay had gone to Vocational Training Institute to know about their admissions and when reached at the main gate of college, near park, they saw Padam son of Balraj and Vijay Pal son of Umed Singh, students of V.T.I., Rohtak alongwith their friends Golu alias Gaurav Parkash son of Om Parkash and Naveen son of Ram Diya, who earlier known to them, an on seeing them (Dharmender etc.) Golu alias Gaurav Parkash gave a call to catch them saying that they had produced a country made pistol to eliminate Padam and in the mean-time, they ran towards them (Dharmender etc.) and accused Golu alias Gaurav Parkash fired a shot by taking out a pistol from his right dub at Dharmender with intention to kill him, the pellets of which struck against the chest of Dharmender, left arm of Sanjay and on right palm of his friend Viney. On hearing the noise several students gathered there and on seeing them, those boys started running and in this process, the crowd of students also caused injuries to them and then they all taking the benefit of crowd ran away. Dharmender etc. went to their homes to inform their family. He (Dharmender) further stated that the motive behind this firing was that about six months prior a quarrel took place between them and Padam etc. On the basis of the said statement, a case was registered. During the course of investigation, ASI Lekh Ram recorded the statements of the witnesses and arrested accused Naveen on 19.4.2004, Padam on 21.4.2004 accused Gaurav Parkash alias Golu on 4.5.2004, who got their separate disclosure statements recorded, pursuant to which, the country made pistol, which was used for firing upon Dharmender etc. was also recovered.



During the course of further investigation conducted by the higher officers accused Vijay Pal son of Umed, Singh, resident of Dariyapur was found innocent. During the course of investigation, the investigating officer also collected the MLRs and X-ray report of the injured, opinions of the doctor concerned, sanction order of competent authority for launching prosecution against accused Gaurav Parkash alias Golu under Arms Act, prepared rough site plan of the place of occurrence and place of recovery of pistol and also got prepared the scaled site plan of the place of occurrence, prepared rough sketch of the pistol and sent the case property to FSL, Madhuban and on completion of all the necessary investigation, all the accused were challaned under sections 307 read with section 34 of IPC and 25, 54, 59 of Arms Act.

3. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Section 307 r/w Section 34 IPC and 25 of Arms Act was made out against the appellant and he was charge-sheeted accordingly. However, he pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the appellant, the prosecution examined 13 witnesses.

5. After the closure of the prosecution evidence, the statement of appellant was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he had been falsely involved in the present case. No defence evidence was led by the appellant in his defence.

6. At the very outset, learned counsel appearing on behalf of the appellant submits that he does not wish to challenge the impugned judgment of



conviction and some leniency may be shown by this Court, while awarding the sentence to him. Even though, learned counsel for the appellant has not challenged the judgment of conviction, still this Court has considered the case on merits.

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 the present case, the prosecution had examined Dr. Vimal Sharma, Medical Officer, General Hospital, Rohtak as PW-1, who had medico-legally examined Dharmender Singh, Sanjay and Vinay and proved their MLRs Ex.P-1, Ex.P-4 and Ex.P-6, respectively. He also gave his opinion Ex.P-2 regarding nature of injury of Dharmender and declared injury No.1 as simple and further opinion Ex.P-5 declaring injury No.1 on the person of Sanjay as simple and even injury on the person of Vinay was declared simple. Ram Bhagat, Reader appeared as PW-2 and proved the sanction order Ex.P7 regarding launching of prosecution against the appellant under Section 25 of Arms Act. Inder Singh, Inspector appeared as PW-3 and prepared the report under Section 173 Cr.P.C. Subhash Chander S.I appeared as PW-4, who recorded the formal FIR Ex.P-9, whereas, PW-5 Constable Sumit Kumar prepared the scaled site plan Ex.P-10 of the place of occurrence. Dharmender, complainant/injured appeared as PW-8 and PW-9 Vikash @ Vicky also supported the case of the prosecution in totality. ASI, Parveen Kumar appeared as PW-10, in whose presence accused Golu @ Gaurav Parkash suffered a disclosure statement and got recovered a pistol Ex. P-23. PW-11, Constable Jai Bhagwan tender his affidavit regarding deposition of sealed parcel of pistol to FSL, Madhuban. Lekh Ram, ASI PW-12 had investigated the matter in the



present case. Ram Kumar, HC appeared as PW-13 and tendered his affidavit Ex.P-27 regarding deposition of case property with him in the police station by ASI Lekh Ram.

9. From the evidence led by the prosecution, it was amply proved that the appellant had committed the offence under Section 25 of Arms Act for keeping in his conscious possession, one countrymade pistol Ex.P-23, without any authorisation or license on 06.05.2004.

10. Even otherwise, I have gone through the judgment passed by the Trial Court and find 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.

11. Now, advertng to the order of quantum of sentence in the present case, this Court cannot lost sight of the fact that the FIR in the present case was registered on 19.04.2004 and the appellant is facing the agony of trial/appeal for the last more than 22 years. Even, the appellant was sentenced to undergo R.I for a period of one year and he has already undergone about 03 months of actual custody. Even, the appellant is first offender and was never involved in any criminal activity. Apart from that, the sentence imposed on the appellant was ordered to be suspended by this Court on 22.02.2005 and in the past 20 years, he had maintained good conduct. Consequently, the order of sentence is modified to the extent that the sentence imposed on the appellant is reduced to the period already undergone by him in the present case and the amount of fine will remain the same.

12. With the above modifications, the present appeal is partly allowed and the impugned judgment of conviction is upheld, whereas, the sentence



imposed on the appellant is reduced to the period already undergone by him and the amount of fine will remain the same.

- 13. Case property, if any, be dealt with, as per rules.
- 14. The Trial Court record be sent back, if any.

12.05.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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