

2026.PHHC.039055



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

CRR-238-2009

Date of Decision: 12.03.2026

Charana Singh

...Petitioner(s)

Vs.

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sandeep Siwach, Advocate for
Mr. P.S.Dhaliwal, Advocate the petitioner.

Mr. Bhanu Pratap Singh, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 14.01.2009 passed by the Court of Additional Sessions Judge, Kapurthala whereby the petitioner was ordered to be convicted for the commission of the offence punishable under Sections 25/54/59 of Arms Act and he was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/-, alongwith default stipulation.

2. The brief facts of the case are that on 26.04.2005, ASI Nahar Singh along with fellow police officials were patrolling on the private scooters and proceeding from village Deeipgarh to village Tallewal along the bank of the canal minor. At about 12.15 p.m., the police party reached in the area of village Ramgarh and saw the accused coming on foot. On seeing the police party, the petitioner got perplexed and turned back. On suspicion, the petitioner was apprehended and his identity was verified. The search of the petitioner was conducted and

one loaded .12 bore pistol was recovered from the right dub of his pyjama. The pistol was unloaded and one live cartridge was recovered from the right side pocket of the shirt of the petitioner. Rs. 10/- were recovered during the personal search of the petitioner. The pistol and the cartridges were converted into parcel and sealed with the seal bearing impression 'NS' and taken into possession vide a recovery memo.

3. After the completion of investigation, *challan* was presented before the Area Magistrate. The trial Court found that a case under Section 25 of the Arms Act was made out against the petitioner and charge was ordered to be framed against him. The contents of the charge were read over and explained to the petitioner, however, he stated that he was falsely involved in the present case.

4. During the course of trial, the prosecution examined four witnesses, i.e., HC Nachhattar Pal Singh as PW-1, HC Malkiat Singh as PW-2, Sham Sundar, clerk from DC office, Barnala as PW-3, Nahar Singh, ASI (retired) as PW-4, and thereafter the prosecution evidence was closed.

5. After the closure of the prosecution evidence, the statement of the accused under Section 313 Cr.P.C. was recorded, and all the incriminating circumstances were put to him. However, he stated that he was falsely involved in the present case and was innocent. The petitioner chose not to lead any defence evidence.

6. During the course of arguments, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction, however, some leniency may be shown while awarding the sentence to the petitioner.

7. Even though learned counsel for the petitioner does not wish to challenge the conviction, however, this court has considered the case on merits.

8. During the course of trial, PW-1 HC Nachhattar Pal Singh stated that on 26.04.2005, he was a member of police party headed by ASI Nahar Singh and the petitioner was apprehended in the area of village Ramgarh and a .12 bore pistol along with two live cartridges were recovered. The pistol along with live cartridges were sealed with the seal of 'NS' and was taken into possession by the memo Ex. PB. His personal search was conducted vide memo Ex. PC and he was arrested. PW-2 HC Malkiat Singh stated that the pistol was produced before him and after opening the parcel, the pistol and cartridges were checked. The pistol was found to be in working order and cartridges were live. He produced his test report Ex. PA. PW3 Sham Sundar, Clerk, DC office, Barnala, produced the sanction Ex. PW-3/A, whereby the permission was granted to prosecute the petitioner under the provisions of the Arms Act. PW4 ASI Nahar Singh had supported the statement of PW1 HC Nachhattar Pal Singh. From the statements of various witnesses, the prosecution had been successful in proving the case against the petitioner to the effect that on 26.04.2005, he was found in possession of a pistol .12 bore along with two live cartridges and there was no reason to disbelieve the testimony of the witnesses. Even, I have carefully perused the findings recorded by the trial Court as well as the appellate Court and both the judgements call for no interference by this Court and the impugned judgements of convictions are upheld.

9. Now, adverting to the order of sentence, this Court is conscious of the fact that the petitioner is facing the ordeal of investigation, trial and appeal since 26.04.2005, i.e., for almost 21 years. Moreover, the petitioner was awarded the sentence of rigorous imprisonment for one year and he has already undergone the actual custody of about two months and thirteen days. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 24.02.2009 and in the last seventeen years, he was not involved in any other crime. Keeping in view these mitigating factors, the sentence imposed on the petitioner is reduced to the period already undergone by him. The fine amount remains the same.

10. With the above modifications, the revision is partly allowed and the impugned judgment of conviction dated 14.01.2009 passed by the Additional Sessions Judge, Barnala, is upheld, whereas the order of sentence is modified to the extent that the sentence imposed on the present petitioner is reduced to the period already undergone by him. The sentence of fine will remain the same.

11. All pending applications, if any, are disposed off, accordingly.

12. The case property, if any, may be dealt with as per the rules after expiry of period of limitation for filing the appeal.

12.03.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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