

2026.PHHC.062743



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRR 1547 of 2010

Date of Decision: 20.04.2026

Sandeep Singh

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Ms. Sanya Singla, Advocate for
Mr. Rajinder Goyal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 17.05.2010 passed by the Court of Additional Sessions Judge (Adhoc) Fast Track Court, Mansa and the judgement of conviction and order of sentence dated 09.07.2009 passed by the Court of Sub-Divisional Judicial Magistrate, Sardulgarh, whereby, the petitioner was held guilty for the commission of offences punishable under Section 25 of the Arms Act and was sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of Rs. 500/- alongwith default stipulation.

2. Brief facts of the case of prosecution are that on 13.04.2005 SI Gamdoor Singh alongwith police party was holding *Naka-Bandi* for checking of suspected vehicles at Bhakhra Canal Bridge in the area of village Jhunir. One motorcycle was seen coming from the side of bank

canal village Jatana Khurd. On suspicion the motorcyclists were checked. Co-accused Jaswinder Singh was found in possession of two cartridges of .12 bore kept in right pocket of his pent. Appellant Sandeep Singh was found having one pistol .12 bore in his right dub and two cartridges of .12 bore in left side pocket of his pent. One safety catch was attached for the working of pistol. Sketch of the pistol was prepared. The pistol and cartridges were converted into two separate sealed parcels. Both the parcels were sealed by SI Gamdoor Singh with his seal bearing letters 'GS'. Separate seal impression was prepared. Seal after use was handed over to ASI Bharpur Singh. The entire case property was taken into police possession vide recovery memo. *Ruqa* was sent through C. Ram Singh, on the basis of which FIR was registered at Police Station Jhunir. Statements of witnesses were recorded. Visual site plan of place of recovery was prepared. Subsequently, the pistol and cartridges were got tested from Sandeep Singh Armourer, Police Line Mansa. Sanction from District Magistrate, Mansa was obtained for prosecution of the appellant and his co-accused Jaswinder Singh and thereafter, they were *challaned* in the Court of learned Ilaqa magistrate.

3. After the presentation of *challan*, the petitioner was charge-sheeted for the offences punishable under Section 25(1)(B) of Arms Act, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW-1 ASI Bharpur Singh, PW-2 Gamdoor Singh, PW-3 Ashok Kumar, PW-4

Sandeep Singh and PW-5 Gurcharan Singh and thereafter the evidence of the prosecution was closed.

5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case. In defence, the petitioner examined Darshan Singh and, thereafter, closed his defence evidence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner by the trial Court, however, some leniency may be shown while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgement of conviction, still, this Court has considered the case on merits.

7. Learned State counsel submits that the petitioner does not deserve the concession regarding sentence and the present revision petition be dismissed.

8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, the prosecution examined ASI Bharpur Singh as PW1 and SI Gamdoor Singh as PW2. Both the witnesses had proved the recovery of arms and ammunition from the conscious possession of the petitioner. Sandeep Singh petitioner was found in conscious possession of .12 bore country-made pistol along with two live cartridges, whereas Jaswinder Singh, co-accused, was found in conscious possession of two live cartridges. Still further, the prosecution

examined PW3 Ashok Kumar, who had proved the permission which was granted by the District Magistrate to launch prosecution against the accused. Link evidence has been proved by HC Sandeep Singh PW4 and PW5 Gurcharan. HC Sandeep Singh PW4 had tested the pistol and cartridges and proved his report which showed that the pistol was in working condition. Even all the witnesses were examined at length and nothing material could be elicited from their cross-examination, which could shatter the testimony of these witnesses. Even otherwise, I have carefully gone through the judgments passed by both the Courts qua the petitioner and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

10. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 13.04.2005, i.e., for the last about 21 years. Even, the petitioner is aged about 53 years and was never involved in any criminal activity. The sentence imposed on the petitioner was suspended by this Court on 18.08.2010 and in the last more than 15 years, he has maintained good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

11. With the above modifications, the present revision petition is partly allowed and impugned judgement dated 17.05.2010 passed by the Court of Additional Sessions Judge (Adhoc) Fast Track Court, Mansa and the judgement of conviction and order of sentence dated

09.07.2009 passed by the Court of Sub-Divisional Judicial Magistrate, Sardulgarh, are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

12. Pending applications, if any, stand also disposed of, accordingly.

20.04.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No