



242 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1016-2012(O&M)
Date of Decision: 16.03.2026

Gurmukh Singh ...Petitioner
vs.
State of Punjab ...Respondent

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

Present : Mr. Hemant Saini, Advocate
for 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 judgment dated 22.02.2012 passed by the Additional Sessions Judge, (Adhoc), Fast Track Court, Amritsar and the judgment of conviction and order of sentence dated 14.11.2009 passed by the Court of Judicial Magistrate 1st Class, Amritsar, whereby the petitioner was convicted for commission of the offence punishable under Section 25 of Arms Act and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,500/-, in default of payment of fine, to further undergo rigorous imprisonment for three months.

2. The brief facts of the present case are that on 06.10.2005, ASI Kabal Singh along with other police officials were on patrolling duty and were going from the police station to village Sohian Kalan, Bal Khurd, Birbal Pura and Bal Kalan, reached the bridge of drain of the area of village Sohian Kalan, then accused coming from the village Birbal Pura along the edge of drain was seen to the police party of ASI Kabal Singh. The accused on seeing the police



party went at once towards the side of beneath of bridge and on suspicion was apprehended by ASI Kabal Singh with the help of his fellow police officials. Then search after conducting the enquiry about the name and whereabouts of the accused Gurmukh Singh was conducted on failing to join any witness from the public and led to recovery of country made pistol of .315 bore from the internal pocket of the under-shirt and one live cartridge of same bore from the outer pocket of under-shirt of the said accused. Moreover, one more live cartridges of .315 bore was recovered on unloading the said country made pistol. Then sketch of country made pistol was prepared. The country made pistol and two live cartridges were sealed by ASI Kabal Singh with his seal bearing letters 'KS' thereof, when the accused could not produce any permit or license for retaining the same in his possession. The said sealed case property was taken into police possession vide separate memo of recovery prepared to the said effect. The statements of the witnesses were recorded. All the formalities of the investigation were completed. The challan was prepared and presented before the court against the accused.

3. After presentation of the challan, the accused was also supplied a copy of final report, as per the requirement of Section 207 of Cr.P.C. After perusing the challan, the trial Court formed a *prima facie* opinion that the petitioner had committed an offence under Section 25 of the Arms Act and was charge-sheeted, accordingly. The contents of charge were read over and explained to the petitioner, however, he pleaded not guilty and claimed to be tried by the trial Court.

4. In order to substantiate the charge, the prosecution examined five witnesses, namely, PW-1 Rohit Kumar, Clerk, PW-2 ASI Mohinder Pal, PW-3



SI Kabal Singh, PW-4 HC Dalbir Singh and PW-5 HC Jagvinder Singh and thereafter, the evidence was closed.

5. The entire incriminating evidence led by the prosecution was put to the petitioner in the shape of his statement under Section 313 Cr.P.C., and the petitioner pleaded that he had been falsely involved in the present case. The petitioner opted not to lead evidence in his defence and closed his defence evidence by making a separate statement.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioner does not deserve any 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. To prove the charge against the petitioner, the prosecution examined PW-1 Rohit Kumar, Clerk, who exhibited the copy of the order dated 20.02.2006 (Ex.PW1/A), passed by the District Magistrate, Amritsar, whereby the permission was granted to initiate the prosecution against the petitioner. PW-2 ASI Mohinder Pal, who was part of the police party headed by SI Kabal Singh, stated that after recovery of the country made pistol, a rough sketch (Ex.P1) was prepared and vide memo (Ex.P2), the country made pistol and live



cartridges were taken into possession by the police. Vide memo (Ex.P3), the accused was arrested in the present case. PW-3, SI Kabal Singh was the Investigating officer of the present case and again proved the sketch (Ex.P1) and Memos (Ex.P2 and Ex.P3). On the basis of original writing (Ex.PW3/1), the FIR (Ex.PW3/2) was registered in the present case. He prepared the rough site plan and also placed on record the FSL report. PW-4, HC Dalbir Singh stated that the case property was handed over to him by MHC Jagvinder Singh on 28.11.2005, for the purpose of depositing the same with FSL, Punjab. PW-5, HC Jagvinder Singh, tendered his affidavit (Ex. PW5/A) on the contrary, the petitioner had led no evidence to revert the testimonies of aforementioned witnesses.

10. From the above referred evidence, it is apparent that the prosecution has been able to prove its case under Section 25 of the Arms Act conclusively. The police party was on patrolling duty and was headed by ASI Kabal Singh. During the checking, a country made pistol of .315 bore and one live cartridge of the same bore were recovered from the petitioner and the petitioner was not carrying any license for the said weapon. Consequently, the pistol as well as the live cartridge were taken into possession by the police and the memos in this regard were prepared. Even all the witnesses have consistently deposed against the petitioner and there is nothing on record to discredit their testimonies. Consequently, the petitioner has been rightly convicted by both the courts under Section 25 of the Arms Act.

11. Now, adverting to the order of sentence, this Court cannot overlook the fact that the petitioner is the only earning member in his family and is not a previous convict. Even the sentence imposed on the petitioner was



suspended by this Court on 24.05.2012 and in the last about 14 years, he was not involved in any other criminal activity. Apart from that, this Court is also conscious of the fact that even the petitioner is facing the agony of trial/appeal/revision for the last about 21 years and he has undergone 06 months and 14 days (including remissions) of custody, out of total sentence of one year. This Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him shall remain same.

12. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine imposed on him shall remain same.

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

(N.S.SHEKHAWAT)
JUDGE

16.03.2026
hemlata

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