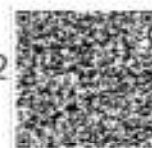


2026.PHHC.062832



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

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CRR 1537 of 2012

Date of Decision: 20.04.2026

Jagtar Singh

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. R.V.S. Chugh, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 20.04.2012 passed by the Court of Additional Sessions Judge, Mansa and the judgement of conviction and order of sentence dated 15.11.2010 passed by the Court of Judicial Magistrate First Class, Budhlada, whereby, the petitioner was held guilty for the commission of offence 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 19.06.2002 ASI Jagdish Kumar alongwith other police officials in connection with patrolling and checking of suspected persons were going towards village Mal Singh Wala on a *kacha* way from Boha on a private Car, when the police party reached in the area of village Mal Singh Wala, Major Singh son of Mohinder Singh resident of village Bhani Bagha, met the police

party and he was joined into police party. The police party proceeded a little towards village Mal Singh Wala, then a youngman was seen coming from the side of village Mal Singh Wala and on seeing the police party he became nervous and turned towards his left side. On suspicion, he was apprehended by ASI Jagdish Kumar with the help of other police officials and on enquiry he told his name as Jagtar Singh son of Mithu Singh resident of village Buraj Rathi, Police Station, Joga. Thereafter, personal search of petitioner was conducted and from his left flank a 12 bore country made pistol was recovered. The pistol was checked which was loaded at that time. The pistol was unloaded and one live cartridge of same bore was recovered. One more live cartridge 12 bore was recovered from the pocket of his shirt. A safety catch was fitted on the right side of the pistol in order to open and unite. The pistol was checked by ASI Jagdish Kumar which was in working condition and, thereafter, sketch of pistol was prepared, two separate parcels were prepared, which were sealed by Investigating Officer with his seal bearing impression "JK" and taken into possession vide memo, attested by witnesses. Sample seal was prepared separately and seal after use was handed over to Major Singh. The petitioner could not produce any licence or permit and, thereafter, a *ruqa* was sent to the police station for registration of the case and on the basis of which formal FIR was recorded. Investigation Officer prepared the rough site plan of place of recovery. Petitioner was arrested. Statements of witnesses were recorded. On completion of investigation, *challan* against the petitioner was presented.

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

4. In order to prove its case, the prosecution examined PW1 Beant Singh, Ahlamd, PW2 ASI Jagdish Kumar, Investigating Officer, PW3 HC Sukhdev Singh, PW4 ASI Kulwant Singh and PW5 H.C. Sukhjinder Singh and, thereafter, APP for the state closed the prosecution evidence.

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, no evidence was led.

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 had examined PW2 ASI Jagdish Kumar, who reiterated the version as mentioned in the FIR

and had proved the recovery from the present petitioner. During the personal search of the petitioner, a pistol was recovered from his right flank, which was taken into possession vide recovery memo Ex. PC. The sample and the seal was prepared and the seal was handed over to Major Singh. The prosecution further examined PW3 H.C. Sukhdev Singh, Armourer, who stated that he had checked the pistol and after checking, he returned the same to ASI Nachhattar Singh. He prepared his report with regard to the pistol in question. Further, PW1 Beant Singh had proved the sanction Ex. PA, which was granted by the District Magistrate to prosecute the petitioner under Section 25 of Arms Act. PW5 HC Sukhjinder Singh had tendered into evidence Ex. PX wherein he mentioned that ASI Jagdish Kumar, the IO had deposited the case property with him relating to the present case. Apart from that, the prosecution had led sufficient evidence to show that the present petitioner was found in conscious possession of 12 pistol and two live cartridges without any permit or license and had contravened the provisions of Section 25(1B)(a) of the Arms Act and he was rightly convicted by both the Courts. Even otherwise, I have carefully gone through the judgments passed by both the Courts 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 19.06.2002, i.e., for the last about 24 years. As per his custody certificate, he has already undergone 02 months and 07 days

of actual custody. The sentence imposed on the petitioner was suspended by this Court on 08.06.2012 and in the last more than 13 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 20.04.2012 passed by the Court of Additional Sessions Judge, Mansa and the judgement of conviction and order of sentence dated 15.11.2010 passed by the Court of Judicial Magistrate First Class, Budhlada, 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