



214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2490-2012 (O&M)
Date of Decision: 19.03.2026

Manpreet Singh ...Petitioner

VS.

State of Punjab ...Respondent

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

Present : Mr. Sunny Singla, Advocate with
Mr. Anil Singh, 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 04.06.2012 passed by the Court of Sessions Judge, Bathinda and the judgment of conviction and order of sentence dated 11.11.2011 passed by the Court of Sub-Divisional Judicial Magistrate, Talwandi Sabo, whereby, the petitioner was convicted for the commission of offences 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.1000/- alongwith default stipulation.

2. The brief facts of the present case are that on 04.01.2010, ASI Gurnam Singh of Police Station, Maur accompanied by HC Balkaran Singh, HC Kewal Singh and PHG Gurjant Singh, while riding a vehicle bearing No. PB-12G-9071, being driven by HC Mander Singh, were going from Bus Stand, Ghumman Kalan towards village Ghumman Kalan in connection with



patrolling and checking of suspects. When the police party turned towards village Ghumman Kalan, one clean shaved person was seen coming from the opposite side, who on seeing the police party became perplexed and turned towards his left side. On suspicion being raised, he was apprehended and on interrogation, he disclosed his identity as Manpreet Singh son of Paramjit Singh, resident of village Ghumman Kalan. Search of accused Manpreet Singh was conducted, which yielded a country made pistol of .315 bore along with two live cartridges of the same bore, which were packed in a polythene bag. Rough sketch (Ex.PA) of the pistol was prepared. The pistol on checking was found to be in working condition. The pistol and the cartridges were taken into police possession through recovery memo (Ex.PB) after making separate parcels thereof. Ruqa (Ex.PE) was sent to Police Station through PHG Gurjant Singh, on the basis of which formal FIR (Ex.PF) under Sections 25/54/59 of the Arms Act was registered against the petitioner. From the personal search of the petitioner, currency notes of Rs.50/- were recovered and the same were taken into police possession through recovery memo (Ex.PC). Petitioner was arrested after disclosing the grounds of arrest, vide memo (Ex.PD). Intimation regarding his arrest was given to his relations, as per his wishes. Rough site plan (Ex.PG) of the place recovery was prepared. During the course of investigation, pistol and the cartridges were got tested from HC Chaman Lal, Assistant Armourer, who found the same to be in working condition and gave his report (Ex.PW.3/A) in this regard. Sanction of Additional District Magistrate, Bathinda (Ex.PW.2/A) was obtained. After the completion of the necessary formalities of the investigation; the challan against the petitioner was presented in the Court of learned Illaqa Magistrate.



3. Finding a *prima facie* case, the petitioner was charge-sheeted under Section 25 of the Arms Act by the trial Court, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined five witnesses, namely, PW-1 HC Balkaran Singh, recovery witness, PW-2 Narinder Kumar, Junior Assistant, DC Office, Bathinda, PW-3 HC Chaman Lal, Assistant Armourer, PW-4 Gurnam Singh, Retd. Inspector, Investigator and PW-5 AMHC Arjan Singh and thereafter, the prosecution evidence was closed.

5. After closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and all the incriminating evidence appearing against the petitioner was put to him to which he denied the allegations levelled against him and pleaded his innocence and false implication. However, the petitioner did not lead any evidence in his defence.

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

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. In order to substantiate the charge against the petitioner, the prosecution examined PW1 Balkaran Singh, who was part of the raiding team.



Still further, the prosecution further examined Narinder Kumar, Junior Assistant in the office of Deputy Commissioner, Bathinda, who proved the sanction (Ex.PW2/A) for launching the prosecution against the petitioner. The prosecution further examined PW3, HC Chaman Lal, Assistant Armourer, who deposed that .315 bore pistol brought by the petitioner was sealed and on testing, the same was found in working order. He proved his test report as Ex.PW3/A. The prosecution further examined Inspector Gurnam Singh, Investigating Officer of this case as PW-4, who proved the investigation of the present case. AMHC, Arjan Singh, PW5 stated that a parcel containing .315 bore pistol along with two cartridges, duly sealed were deposited with him and till the handing over the same to HC Kuldeep Singh, these remained in the intact condition.

10. From the above referred evidence led by the prosecution, it was apparent that the present petitioner was having in his possession a country made pistol of .315 along with 2 live cartridges, without any permit or license and the recovery of weapon was duly proved. Even, I have carefully perused the findings recorded by the trial Court as well as the appellate Court and both the Courts have rightly convicted the present petitioner for the commission of the offence punishable under Section 25 of Arms Act.

11. Now, advertent to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution in the present case since 04.01.2010 i.e. for the last more than 16 years. Moreover, as per the custody certificate, he has already undergone 03 months and 12 days of actual sentence, out of total sentence of one year and he is the first offender.

Even after the sentence imposed on the petitioner was suspended by this Court



on 10.09.2012, in the last more than 13 years, he has maintained good character. Thus, keeping in view the mitigating circumstance, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. 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 disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

19.03.2026
hemlata

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