

2026.PHHC.048215



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

209

CRR 3919 of 2014

Date of Decision: 25.03.2026

Balwinder Singh @ Binder

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Ajay Pal 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 judgement dated 28.10.2014 passed by the Court of Sessions Judge, Sangrur and the judgement of conviction and order of sentence dated 29.04.2014 passed by the Court of Sub Divisional Judicial Magistrate, Moonak, whereby the petitioner was convicted for commission of the offence punishable under Section 25 of the Arms Act and was sentenced to undergo rigorous imprisonment for one year and to pay fine of ₹ 5000/- alongwith default stipulation.

2. Bereft of unnecessary details, case of the prosecution was that on 11.06.2011 police party headed by Head Constable Gurtej Singh, investigating officer of the case was going from Bhakra canal, Bahmaniwala to village Ramgarh Gujran on private motorcycles in connection with patrolling and checking of suspected persons; that at about 05.30 a.m. when the police party reached one kilometer behind

village Ramgarh Gujran, a person was seen coming on foot from the side of village Ramgarh Gujran; that said person on seeing the police party became perplexed and tried to slip towards his left side in the fields; that on the basis of suspicion, said person was apprehended; that in the meanwhile another person came on motorcycle from side of village Ramgarh Gujran, who disclosed his name as Gurdeep Singh son of Mahinder Singh, resident of village Nawagaon and was joined in the police party; that the person who was apprehended by the police party on the basis of suspicion, disclosed his name as Balwinder Singh alias Binder Singh son of Bhaura Singh, Jat by caste, resident of Bishanpura Khokhar; that Head Constable Gurtej Singh, investigating officer of the case in the presence of private witness Gurdeep Singh and other police officials frisked person of aforesaid Balwinder Singh; that on conducting the search of the aforesaid Balwinder Singh, he was found in possession of one .315 bore country made pistol; that investigating officer of the case unloaded the recovered pistol and one cartridge of .315 bore was found; that rough sketch of the recovered pistol was prepared; that recovered pistol of .315 bore and one live cartridge were converted into a sealed parcel and were taken in police possession; that '*ruqa*' was sent to the police station, on the basis of which formal first information report of the case in hand was registered at Police Station, Khannaauri against the accused; that rough site plan was prepared by the investigating officer depicting the place of recovery; that the accused was arrested; that during investigation statements of witnesses were recorded; that sanction to prosecute the accused under provisions of

Arms Act was obtained; and that recovered pistol and cartridge were sent to Forensic Science Laboratory, Mohali for examination from where report was received and after completion of investigation *challan* was presented against the accused-appellant under Section 25 of the Arms Act, 1959.

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

4. In order to prove the charge, the prosecution examined PW1 Head Constable Kulwinder Singh, PW2 Head Constable Gurtej Singh investigating officer of the case, PW3 Avtar Singh, dealing clerk from the office of Deputy Commissioner, LPA, Branch, Sangrur, PW4 Head Constable Raj Kumar, PW5 Head Constable Jarnail Singh and PW6 SC Gurmail Ram and thereafter, 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, the petitioner did not lead any evidence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments 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 judgements 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, PW2 Head Constable Gurtej Singh, Investigating Officer, and PW4 Head Constable Raj Kumar, recovery witnesses, had categorically deposed that on 11.06.2011, while they were on patrolling duty, they had recovered one country-made pistol of .315 bore and one live cartridge from the petitioner. Rough sketch of the recovered pistol was prepared as Ex. P1, parcel of recovered pistol as Ex. MO1 and live cartridge as Ex. MO2 and same were taken into possession vide recovery memo, Ex. P2. PW2 Head Constable Gurtej Singh, investigating officer of the case has identified the recovered pistol (Ex. MO1) and live cartridge (Ex. MO2), to be the same, which were recovered from the possession of the accused. Still further, in the present case, the sanction order, Ex. PW3/A, was proved by PW3 Avtar Singh, who categorically stated that the District Magistrate had granted permission to the Investigating Officer for purchasing five test cartridges of .315 bore in order to obtain the report of the Forensic Science Laboratory regarding the working condition of the recovered pistol. Still further, PW5 MHC Jarnail Singh also stated that two parcels were deposited by PW2 Head Constable Gurtej Singh, which were sent to the FSL. Apart from that, the prosecution had led sufficient evidence on record to show that the petitioner was found in conscious possession of a

country-made pistol of .315 bore along with one live cartridge of the same bore without any valid permit or license and, as per the FSL report, Ex. P-8, the recovered pistol was in working condition and the recovered cartridge was live.

10. In view of the aforesaid discussion, the prosecution has proved the charge under Section 25 of the Arms Act against the petitioner beyond the shadow of reasonable doubt.

11. Now adverting to the order of sentence, this Court has noticed that the petitioner is facing prosecution since 11.06.2011, i.e., for the last more than 14 years. Apart from that, the petitioner is a first time offender and was never involved in any other criminal activity in the past. Even, he has undergone 02 months and 20 days of actual custody out of the total sentence of one year. Thus, keeping in view the mitigating circumstances of the present case, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner and the sentence imposed on the petitioner is reduced to the period already undergone by him.

12. With the above modifications, the present revision petition is partly allowed and impugned judgement dated 28.10.2014 passed by the Sessions Judge, Sangrur and the judgement of conviction and order of sentence dated 29.04.2014 passed by the Court of Sub-Divisional Judicial Magistrate, Moonak, are upheld, whereas, 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.

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

25.03.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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