



CRM-M-11233-2025

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**122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-11233-2025
Date of decision : 28.02.2025****Gurmukh Singh****.....Petitioner****versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Hitesh Chopra, Advocate with
Mr. Amit Kumar, Advocate for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for setting aside and quashing of order dated 22.10.2024, whereby his application for returning of original Arms License was declined in view of the facts and circumstances of the case and subsequent proceedings arising therefrom as the proceedings with the impugned order would be sheer abuse of process of law.

2. It has been submitted by learned counsel for the petitioner that the petitioner was prosecuted in FIR No.248 dated 08.10.2021 registered under Sections 307, 452, 427, 148 & 149 of IPC and Sections 25/27/54/59 of Arms Act, at Police Station Civil Lines Batala District Gurdaspur. He submits that the petitioner was acquitted by the trial Court vide its order dated 18.03.2019. He submits that the Arms Licence of the petitioner was confiscated during his trial. He submits that though the petitioner has been admittedly acquitted by the trial Court, however, his Arms licence has not been returned to him till date. It is submitted that the petitioner has also filed an application before the learned Additional Sessions Judge, Gurdaspur for release of the same, however, his application was declined only on the ground that the State has assailed the order of his acquittal by filing an appeal against acquittal, which is pending adjudication before this Court. He



submits that the same cannot be a ground to decline his application.

3. Notice of motion.

4. On the asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab, accepts notice on behalf of the respondent-State. He has opposed the submissions made by learned counsel for the petitioner. It is submitted that since the appeal is pending against the judgment of acquittal, his arms licence should not be released to him.

5. After hearing counsel for the parties and perusing the record, it is an admitted fact that the petitioner was acquitted by the trial Court. The licence of the petitioner has not been released to him only on the ground that the appeal against the judgment of acquittal is pending. This Court finds that the same cannot be a ground for not releasing the Arms licence to the petitioner.

6. Keeping in view the facts and circumstances of the case, the present petition is allowed and the impugned order dated 22.10.2024 is *set aside*. The Arms licence in question is ordered to be released to the petitioner subject to the satisfaction of the trial Court. A certified copy of the Armed Licence be kept in Court file and an undertaking to the effect that the petitioner shall produce the said document as and when required by the Court to do so, shall also be furnished by the petitioner. The Court concerned shall be free to impose any condition which it deems appropriate, before the release of armed licence in favour of the petitioner.

(RAJESH BHARDWAJ)
JUDGE

28.02.2025

ps-I

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No