

HRRH030133232018



Presented on : 08-05-2018
Registered on : 08-05-2018
Decided on : 21-07-2026
Duration : 8 years, 2 months, 13 days

IN THE COURT OF
Additional Chief Judicial Magistrate
AT ,Rohtak
(Presided Over by Sh. Rakesh Kadian)

CHA/460/2018

State Versus Amit son of Rohtash resident of Village Kahni
Rohtak.

... Accused

FIR No. 01 dated 01.01.2018
Under Section: 25 of Arms Act.
Police Station: Sadar, Rohtak.

Present: Mr. Ajay Chaudhary, Ld. APP for the State.
Accused Amit on bail with learned counsel Sh. Vinod
Ahlawat, Advocate.

JUDGMENT:-

The above named accused is facing trial for the commission of offence punishable under Section 25 of Arms Act.

2. The prosecution story, in brief, is that on 01.01.2018, HC Kuldeep alongwith Ct.Vikas, Ct. Brahm Parkash and Ct. Sukhdeep was on patrolling duty at Jassia Road,Kahni Mod. In the meantime, a person was seen coming from the side of village Kahni who on seeing police party,

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turned back and started walking briskly. HC Kuldeep alongwith accompanying other officials, apprehended that person. On asking, he disclosed his name as Amit son of Rohtash. On the basis of suspicion, he was searched and one country- made pistol was found in right pocket of his jeans and same was found empty. Accused could not produce any licence or permit for retaining the country made pistol.

3. On the basis of this, formal FIR was registered. During investigation, the accused was arrested. After completion of necessary investigation, challan under Section 173 Cr.P.C. was presented before the Court against the accused.

4. Copy of challan was supplied to the accused free of cost as provided under Section 207 Cr.P.C.

5. On finding a prima-facie case, charge was framed against the accused for the offence punishable under Section 25 of the Arms Act by the Court of Sh. Harish Goyal, the then, Ld. ACJM, Rohtak vide order dated 30.10.2018, to which he pleaded not guilty and claimed trial.

6. To prove its case, the prosecution has examined the following witnesses:-

PW1	Preet Singh
PW2	SI Devi Rani
PW3	ASI Anil Kumar
PW4	Mohit Reader of DM Rohtak.

PW5 ASI Sanjeet Kumar

PW6 HC Vikas

PW7 ASI Kuldeep

7. Thereafter, learned APP for the State has closed the prosecution evidence vide statement dated 13.07.2026.

8. Statement of accused under Section 313 Criminal Procedure Code was recorded, wherein he denied all the incriminatory evidence which was put against him and pleaded false implication and opted to lead defence evidence. However, no evidence in defence was led and same was closed by court order.

9. **PW1 Preet Singh** came into witness box and tendered his affidavit Ex.PW1/A.

10. **PW2 SI Devi Rani** came into witness box and has deposed that on 01.01.2018, she was posted in P .S. Sadar. She proved FIR Ex. PW2/A and its endorsement Ex.PW2/B, which bears her signatures.

11. **PW3 ASI Anil Kumar** has deposed that on 08.10.2018, ASI Sanjeet moved an application Ex.PW3/A for taking opinion upon which he checked the pistol and gave report Ex.PW3/B and pistol was found to be in working condition. He also prepared rough sketch of pistol as Ex.PW3/C which bears his signatures.

12. **PW4 Mohit**, Reader to DM, Rohtak has proved sanction order no. 53 of 2018 dated 01.05.2018 i.e. Ex. PW4/. He identified the signatures of the DM Sh. Yash Garg on it.

13. **PW5 ASI Sanjeet Kumar** has deposed that on 01.01.2018, he received information regarding the present case and reached the spot as 2nd IO and met HC Kuldeep and accused person. He proved the documents i.e. Seizure memo i.e. Ex.PW5/A and application i.e. Ex.PW3/A.

14. **PW6 HC Vikas** had deposed that on 01.01.2018, he along with his fellow officials was on patrolling duty at Jassia Road Kahni Moad. In the meantime, a person was seen coming from the side of village Kahni who on seeing police party, turned back and started walking briskly. On the basis of suspicion, he was searched and one country- made pistol was found in right pocket of his jeans and same was found empty. On asking, accused could not produce any licence or permit for retaining the country made pistol. He proved Khaka Ex. PW6/A which was taken into police possession vide Ex. PW6/B. He identified the case property Ex.MO1 and accused present before the Court.

15. **PW7 ASI Kuldeep** has reiterated the contents of his complaint. He has proved Khaka Ex.PW6/A which was taken into police possession vide Ex.PW6/B. He proved tehrir Ex.PW7/A.

16. I have heard learned APP for the State and learned defence counsel and I have gone through the case file very carefully. It is argued by learned APP for State that case of prosecution is fully proved, therefore, accused is liable to be convicted. On the other hand, it is argued by learned defence counsel that there is no evidence against the accused. He has prayed that accused may kindly be acquitted.

17. The present case was registered on the complaint i.e. Ex. PW7/A of ASI Kuldeep who appeared in witness box as PW7 and deposed that on 01.01.2018, he alongwith his fellow police officials was on patrolling duty at Jassia Road Kahni Moad. In the meantime, a person was seen coming from the side of village Kahni who on seeing police party, turned back and started walking briskly. He alongwith accompanying other officials, apprehended that person. On asking, he disclosed his name as Amit son of Rohtash. On the basis of suspicion, he was searched and one country- made pistol was found in right pocket of his jeans and same was found empty. Accused could not produce any licence or permit for retaining the country made pistol.

18. Complainant appeared into witness box as PW7 and deposed that as per his complaint Ex. PW7/A. He proved Khaka Ex.PW6/A which was taken into police possession vide memo Ex.PW6/B. He also proved tehrir Ex.PW7/A.

19. PW6 HC Vikas also supported the testimony of PW7 ASI Kuldeep. PW7 ASI Kuldeep in his cross-examination has stated that they had started from CIA-II Rohtak at 11:00 pm and reached Jassia Kahni mod and they did not checked any person except the accused. On the other hand PW6 Vikas in his cross-examination has stated that he can not tell how many persons were checked by them and for how much time they remained at the spot. There is contradiction between the testimony of PW6 and PW7. The contradiction in the testimony of prosecution witnesses raises doubt about the prosecution story.

20. Non-joining of the independent persons of the public at this stage though sufficient time was there, is fatal to the case of the prosecution. In *“State of Punjab Vs. Bhupender Singh 2001(1) RCR CrL. 356”* the Hon’ble Division Bench of Hon’ble Punjab and Haryana High Court has held that no independent witness was joined, though recovery was effected in a busy locality. Under these circumstances, it was held by Hon’ble Division Bench that case of the prosecution became doubtful.

21. In view of the above discussion, the accused is ***acquitted*** of the charges framed against him. His bail bond and surety bond stands discharged. Accused is directed to furnish bail bonds in the sum of Rs.30,000/- with one surety in compliance of Section 437-A of Cr.P.C.. Bonds shall remain enforceable for a period of six months in order to secure his presence before Ld. Appellate Court, if required. Requisite

bonds furnished which are accepted and attested. Case property, if any, be disposed of as per rules. File be consigned to the records after due compliance.

Pronounced in Open Court
21.07.2026

(Rakesh Kadian)
Addl. Chief Judicial Magistrate,
Rohtak, UID No.HR0365

Note: All the pages of this judgment have been dictated, checked and signed by me.

(Rakesh Kadian)
Addl. Chief Judicial Magistrate,
Rohtak, UID No.HR0365

Annu

Present: Mr. Ajay Chaudhary, Ld. APP for the State.
Accused Amit on bail with learned counsel Sh. Vinod
Ahlawat, Advocate.

Order pronounced. Vide my separate judgment of even date,
accused **Amit** has been acquitted from the charges levelled against him.
File be consigned to record room after due compliance.

Pronounced in Open Court
21.07.2026

(Rakesh Kadian)
Addl. Chief Judicial Magistrate,
Rohtak, UID No.HR0365

Annu

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