

**In the Court of Mr. Tarun Walia,
Judicial Magistrate, Ist Class,
Sardulgarh (UID:PB0828)**

Challan No.111 of 22.04.2021
Decided on: 18.3.2026
CIS No.CHA/111/2021
CNR No.PBMNB1000432-2021.
Duration: 4 years, 10 months, 26 days

PBMNB10004322021



State	Versus	1. Harpreet Singh @ Babbu son of Gurmej Singh, resident of Ladduwala, PS Sadar Jalalabad, 2. Jashandeep Singh son of Dharminder Singh, resident of Jagmalwali, District Sirsa, 3. Surjit Singh @ Situ son of Sarup Singh, resident of Street No. 1 in front of Tagore School, Sri Muktsar Sahib, 4. Harpreet Singh @ Khalsa son of Harjinder Singh, resident of Street No. 5, Abadpura, Kishanpura Chowk, Jalandhar (PO vide order dated 14.11.2024).
-------	---------------	--

.....Accused.

**FIR No.29 dated 24.02.2021
Under Sections 25 Arms Act
Police Station Sardulgarh.**

Present: APP for the State.
Accused Surjit Singh @ Seetu in custody represented by Sh. J.S. Dhillon, Advocate.
Accused Jashandeep Singh on bail with Sh. J.S. Dhillon Advocate.
Accused Harpreet Singh @ Babbu on bail with Sh. S.S. Dhaliwal Advocate.
Accused Harpreet Singh @ Khalsa PO vide order dated 14.11.2024.

JUDGMENT

1 The above named accused have been sent up to face trial in FIR No.29 dated 24.02.2021 for the offence punishable u/s 25 of Arms Act by SHO P.S. Sardulgarh.

2. Briefly, the prosecution story is that on 23.02.2021, accused Surjit Singh @ Seetu son of Saroop Singh and Jashandeep Singh @ Jashan son of Dharminder Singh were arrested in FIR No. 237 dated 19.09.2020, under Section 25/54/59 Arms Act. Further and on 24.02.2021, during investigation, said accused persons suffered disclosure statements to the effect that 20/25 days ago they went to Uttar Pradesh from where they had purchased two country-made pistol i.e. one country-made 32 bore pistol alongwith 04 live cartridges and one country-made 315 bore pistol alongwith 02 live cartridges and they have concealed the same near the main road of Village Tibbi Hari Singh Wala near abandoned brick-klin. They had concealed the said pistol in one polythene plastic to which they only knew and can get it recovered. Disclosure statements under section 27 of the Evidence Act was reduced into writing. ASI Gurtej Singh along-with fellow officials and both accused reached at village Tibbi Hari Singh Wala near abandoned brick-kiln. Then accused as per their disclosure statement got recovered one polythene and after removing sand and taking it out from the Chimni of the Western directions on the abandoned brick kiln near the main road of Tibbi Hari Singh Wala. SI Gurtej Singh, Investigating Officer checked the polythene in which 01 country-made pistol 315 bore with a barrel having length of 07 inches, body length of 06 inches, butt length 04 inches, on which a loading handle was attached on top and a trigger on the

bottom for opening and a trigger for firing alongwith 02 cartridges 315 bore live and one pistol country-made 315 bore with 332 written on left side having barrel length of 04 inches, body length 03 inches and butt length 003 inch, on which two triggers one for opening and one for firing, were attached on top of the loading handle and on the bottom alongwith 04 cartridges 32 bore live were also recovered. SI Gurtej Singh, Investigating Officer prepared rough sketch of the pistols. SI Gurtej Singh, Investigating Officer put two live cartridges of 315 bore in one small plastic box and 04 live cartridges of 32 bore in one small plastic box and prepared parcels of it. All the parcels were sealed by SI Gurtej Singh with his seal bearing impression GS. Sample seal was separately prepared and seal after use was handed over to ASI Hardev Singh. All the sealed parcels alongwith sample seals were taken into police possession. As accused Surjit Singh @ Seetu and Jashandeep Singh @ Jashan could not produce any license for keeping said pistols in their possession, so ruqa was sent to the police station for registration of the case. Investigation was pressed into action. Rough site plan of place of recovery was prepared. Statements of witnesses were recorded. Personal search memo and arrest memo of accused persons were prepared. On 25.02.2021, on the disclosure statements of accused Surjit Singh @ Situ and Jashandeep Singh @ Jashan, Harpreet Singh @ Babbu son of Gurmej Singh, resident of Laddhuwas, PS Jalalabad, District Fazilka and Harpreet Singh @ Khalsa son of Harjinder Singh, resident of Street No.5 Abadpura Kishanpura Chowk, Jalandhar were nominated as accused vide DDR No. 02 dated 25.02.2021. Accused Surjit Singh @ Seetu and Jashandeep Singh @ Jashan were sent to the office of AIG Counter

Intelligence Department, Phase No.1 Mohalli for interrogation but on return, both accused persons attacked on the police party. Accused Jashandeep Singh @ Jashan taking benefit of darkness, fled from the spot and accused Surjit Singh @ Situ was arrested by the police. In this regard, ASI Gurtej Singh also registered a case No.18 dated 26.02.2021 u/s 307, 225-B, 34 IPC against accused Jashandeep Singh @ Jashan and Surjit Singh @ Situ. On 26.02.2021, ASI Ranjit Singh produced accused Harpreet Singh @ Babbu before ASI Gurtej Singh. After interrogation, accused was arrested and his personal search memo and arrest memo of accused was prepared. After completion of other formalities of investigation, challan against the accused Surjit Singh @ Situ and Harpreet Singh @ Babbu was presented in the Court.

3 Later on after the arrest of accused Jashandeep Singh @ Jashan, supplementary challan against the said accused was also presented in the Court. However, accused Harpreet Singh alias Khalsa was declared as proclaimed person vide order dated 14.11.2024 passed by learned Predecessor of this Court.

4. On appearance of accused in the Court, necessary copies of challan and other accompanying documents as envisaged under section 207 Cr.P.C were supplied to the accused free of cost.

5. Finding a prima facie case against the co-accused, they was charge-sheeted under sections 25 of Arms Act, to which they pleaded not guilty and claimed trial.

6. In order to prove the charges against the co-accused, the prosecution examined ASI Sukhjeet Singh as PW1, then examined ASI

Sukhcharan Singh as PW2, then examined Chanchal Kumar proprietor as PW3, then examined Vipin Goyal as PW4, then examined HC Gurpiar Singh as PW5, then examined SI Gurtej Singh as PW6, then examined ASI Avtar Singh as PW7, then examined SC Malkit Singh as PW8, then examined ASI Gulbahar Singh as PW9, then examined SI Hardev Singh as PW10, then examined retired ASI Ujjagar Singh as PW11. Ld. APP for State gave up PWs ASI Harwinder Singh and SI Ajay Kumar being unnecessary and then closed the evidence of prosecution vide giving separate statement.

7. After closure of prosecution evidence, co-accused were examined under Section 313 Cr.P.C. wherein all the incriminating circumstances appearing in the prosecution evidence were put to them. The accused, however, denied all such averments and claimed themselves to be innocent and took the plea of false implication in the present case due to political rivalry. They further took the plea that nothing was recovered from their possession. The accused persons opted to lead evidence in defence. However, no witness has been examined by them in defence.

8. I have heard learned APP for the State as well as learned counsel for the accused person at length and have also perused the case file.

9. To prove the recovery, prosecution examined PW1 ASI Sukhjit Singh, who tendered into evidence his duly sworn affidavit Ex.PW1/A wherein he deposed regarding the depositing of case property into the malkhana and sending of the parcel to the office of FSL, Mohali. He further proved DDR Ex.PW1/B, copy of register No.19 Ex.PW1/C, road certificate Ex.PW1/D and road receipt Ex.PW1/E.

10. PW2 ASI Sukhcharan Singh, deposed the part of investigation

conducted by him in the present case. He supported the version of the prosecution and proved on record recovery memo of FIR No.237 dated 19.9.2020 u/s 25 of Arms Act, PS Sardulgarh Ex.PW2/A, letter No.592 dated 16.4.2021 Ex.PW4/A, letter No.886 dated 30.3.2021 Ex.PW3/A, bill Ex.PW3/B, arrest memo of accused Jashandeep Singh Ex.PW2/B, personal search memo Ex.PW2/C. He identified accused Jashandeep Singh present in the Court.

11. PW3 Chanchal Kumar, Proprietor Hindustan Gun House Court road, Mansa, deposed that that he is proprietor of Hindustan Gun House Court road Mansa and as per letter no. 886 dated 30.03.2021 of ADM Mansa which is Ex. PW-3/A, 05 Live Cartridges of point 315-Bore rifle and 5 live cartridges of .32 bore pistol total 10 live cartridges were sold to ASI Sukhcharan Singh no. 499/MNS, PS Sardulgarh on 03.04.2021 and vide bill No. 709 dated 03.04.2021. he proved the copy of the bill as Ex.PW3/B of the value of Rs. 800/- and total Rs. 944 including taxes and bill was in the name of ASI Sukhcharan Singh, PS Sardulgarh. He also identified his signature at point A on the bill Ex.PW-3/B as well as stamp of his Gun House.

12. PW4 Vipin Goyal, Clerk DC Officem, Mansa, deposed that he has seen the complaint Ex. PW4/A on the judicial file by which sanction in the present case was given and he identified signatures at point A of the then Ld. ADM Sh. Sukhpreet Singh Sidhu PCS.

13. PW5 HC Gurpiar Singh, deposed that in the year 2021 he was posted at MHC at PS Cheema District Sangrur and brought record regarding FIR No.18 dated 26.02.2021 u/s 224, 225B IPC of PS Cheema and copy of

the same is Ex. PW5/A and he identified signatures of SI Lakhvir Singh then SHO Cheema at point A.

14. PW6 SI Gurtej Singh, Investigating Officer cum witness of recovery, who supported the prosecution version regarding recovery of country made 32 bore pistol alongwith 04 live cartridges, one country made 315 bore pistol alongwith 02 live cartridges and one another country made pistol of 315 bore on the disclosure statements of accused Surjit Singh and Jashandeep Singh. He proved disclosure statements Ex.P1 and Ex.P2, rough sketch of pistol Ex.P3 and Ex.P4, recovery memo Ex.P5, ruqa Ex.P6, FIR Ex.P7, endorsement on FIR Ex.P8, rough site plan Ex.P9, arrest memo Ex.P10 and Ex.P11, personal search memo Ex.P12 and Ex.P13, arrest memo of accused Harpreet Singh @ Babbu Ex.P14, personal search memo Ex.P15, FSL report Ex.P16 and case property i.e. parcel of country made pistol 315 bore MO1, parcel of country made pistol 32 bore MO2, parcel of 02 live cartridge of 315 bore MO3, parcel of 04 live cartridges of 32 bore pistol as MO4 and two parcels of 05 sample cartridges each MO5 and MO6.

15. PW7 ASI Avtar Singh, proved the copy of FIR No.237 dated 18.9.2020 under section 25 of Arms Act, Police Station Sardulgarh as Ex.PW7/A.

16. PW8 SC Malkiat Singh, deposed about the deposit of the parcels of 315 bore country made pistol, 32 bore country made pistol, 04 live cartridge of 32 bore pistol, 02 live cartridges of 315 bore pistol in the office of FSL, Mohali.

17. PW9 ASI Gulbahar, proved the arrest cum intimation memo of accused Jashandeep Singh Ex.PW2/B and personal search memo

Ex.PW2/C.

18. PW10 SI Hardev Singh, who was member of police party and an eye witness to recovery, deposed on the lines of the case of prosecution supporting Investigating Officer.

19. PW11 retired ASI Ujagar Singh, proved arrest cum intimation memo of accused Harpreet Singh @ Babbu Ex.P14 and personal search memo Ex.P15.

20. In this backdrop, learned APP argued that prosecution evidence is complete and convincing and fully establishes guilt of accused. He requested for conviction. Per contra, learned defence counsel argued that prosecution has miserably failed to prove its case as there are a number of discrepancies various facts in the testimonies of PW-2 and PW-6. No independent witness is associated. He insisted that accused deserves acquittal.

21. In the present case, the following points of the determination arise:-

(i) Whether on 24.02.2021 at about 12.00 p.m., in the area of Tibbi Hari Singh, accused Jashandeep Singh @ Jashan and Surjit Singh were found in possession of country made pistol 315 bore and 32 bore pistol and six live cartridges without any license or permit and thereby committed an offence punishable under section 25 Arms Act?

(ii) Whether on 24.02.2021, in the area of Police Station Sardulgarh, accused Harpreet Singh @ Babbu and Harpreet Singh @ Khalsa has supplied two country made pistols of 315 bore and 32 bore alongwith six live cartridges (two of 315 bore and four of 32 bore) without any license or permit and thereby committed an offence punishable under section 25 Arms Act?

22. After having heard the rival arguments and after going through the judicial file carefully this court is of the considered opinions that during

the investigation of case bearing FIR No.237 dated 19.9.2020, under section 25/54/59 of Arms Act, Police Station Sardulgarh, accused Surjit Singh @ Situ and Jashandeep Singh @ Jashan suffered disclosure statements under section 27 of the Evidence Act, in response to which the place where the raid was conducted by the police was a public place and very interestingly no independent witness has been joined by the investigating officer at the time of conducting raid or making the recovery of the pistol and the cartridges from the said accused. The non-joining of independent witness is fatal to the case of prosecution as none of the prosecution witnesses state anything on that aspect of the matter and the recovery therefore gets dubious. In this regard the testimony of PW6 SI Gurtej Singh, Investigating Officer is quite relevant and he duly admits that the place of recovery was very near to Sirsa-Mansa highway. He further stated that there were also fields near the place of recovery and no private witness was joined at the time of recovery. He further in his cross-examination, specifically stated that no videography or photography was done at the time of the recovery. He further during his cross-examination admitted that he made contact with the brick klin owner who told him that the place of recovery is a disputed one. It is not the case of the prosecution whether any action was taken against him when he refused to join the investigation. Except PW3 and PW4, all the other witnesses examined on behalf of the prosecution of police officials and there is no independent corroboration on record.

23. Further, it has also come on the case file that the recovery memo Ex.P5 of the pistols and the live cartridges do not bear any attestation by an independent person from the public. There is no explanation

forthcoming on record by the investigating officer as to why no effort was made to join some person from the public when the entire police proceeding was done at a public place and the police party remained at the spot for about four years. All these shortcomings are fatal to the case of prosecution because these are material defects and no amount of justification can fill the gap which has already arisen.

24. Further more, in this case SI Gurtej Singh is the complainant as well as Investigating Officer, so from the perusal of the entire case, it is clear that the complaint has also been made by SI Gurtej Singh and he himself has been appointed as Investigating Officer of this case to verify the authenticity of his own complaint. As per the specific principals of the natural justice, no one can be a judge or no one can investigate his own complaint because it is the general trend of the human being that if the complainant has been appointed as Investigating Officer, then he must try to prove the authenticity of the facts of his complaint by hook or crook as in this case. So under these circumstances, it is clear case where the principal of natural justice has been violated and under the circumstances stated above, the investigation of the Investigating Officer cannot be presumed or treated to be unbiased. On the aspect of non joining of independent witness and the complainant and the Investigating Officer being the same, it is useful to refer to judgment pronounced by Hon'ble Supreme Court of India titled as **Megha Singh vs. State of Haryana, (2000) Sup ACrC 72**), wherein it was held as under:

``Unlicensed possession of firearm and cartridges-Evidence-Police witnesses-Duty to secure independent witnesses-Discrepancies in police testimony regarding location of

recovery of firearm and number of cartridges recovered from the accused-Lack of examination of independent witness, though easily available-Although evidence of police personnel can be relied upon, rule of prudence requires corroboration by independent witness when prosecution can be easily supported by independent evidence-Discrepancies indicate lack of reliability in prosecution case-Police Officer who is the complainant should not also investigate the case-Such practice affects fair and impartial investigation-Conviction bases on unreliable police testimony without independent corroboration set aside on appeal".

25. Further Id. Counsel for the accused argued that the pistols produced in the court cannot be linked with the present case as the rough sketch of pistol 32 bore is different from the original pistol. He further argued that the shape of the hammer of 315 bore pistol is also different in the sketch from its original and the said fact has been admitted by the Investigating Officer during his cross-examination. In the present case recovery of 32 bore pistol and 315 bore country made pistols was effected. The sketch of the said pistols have been proved on record as Ex.P3 and Ex.P4 during the statement of Investigating Officer PW6 SI Gurtej Singh. But during the cross-examination, PW6 SI Gurtej Singh specifically stated that both the sketches have been prepared by him. He further admitted that there is difference between the shape of pistol 32 bore and rough sketch Ex.P4. He further admitted it as correct that the shape of hammer of 315 bore is also different from the sketch Ex.P3. The said deposition of the Investigating Officer during his cross-examination casts a serious dent in the case of the prosecution and the benefit of the same shall be given to the accused.

26. Not only this, the Investigating Officer SI Gurtej Singh during his cross-examination also specifically stated that there is overwriting on receipt No.4 which is pasted on the parcel of 315 bore pistol i.e. MO1. He further specifically stated during his cross-examination that FIR No.19 has been mentioned on the receipt of MO4. However, the FIR number of the present case is 29. As such in view of the said deposition of the Investigating Officer, this Court is of the view that the prosecution failed to keep the case property in an intact condition and also failed to connect the same with the present case. Hence, it is a major dent in the prosecution story and the benefit of the same shall be given to the accused.

27. Last but not the least, the prosecution also failed to establish any connection of accused Harpreet Singh @ Babbu son of Gurmej Singh, resident of Ladhuwas with the present case. Accused Harpreet Singh @ Babbu has been nominated in the present case vide DDR No.2 dated 21.2.2025 recorded on the basis of disclosure statements of accused Surjit Singh @ Situ and Jashandeep Singh @ Jassu. However, perusal of the said DDR reveals that the name of said accused is mentioned as Harpreet Singh alias Baba son of Baldev Singh, resident of Ladhuwala District Fazilka. Hence, the name of the said accused alongwith his father is different from the one impleaded in the present case by the prosecution. The said fact has also been admitted by the Investigating Officer PW6 SI Gurtej Singh during his cross-examination. No explanation has been put forward by the prosecution nor any evidence has been led on behalf of the prosecution to show as to how the present accused Harpreet Singh @ Babbu has been nominated in the present case and he has been connected to the recovery of

this case. Even PW6 SI Gurtej Singh, I.O. during his cross-examination also admitted that no disclosure statement of accused persons was recorded regarding Harpreet Singh alias Babbu. The said deposition of the Investigating Officer casts a serious doubt in the case of the prosecution.

28. Henceforth, in view of the above noted shortcomings in the case of prosecution it can be opined that the prosecution has failed to prove its case against the accused beyond the shadow of reasonable doubt. The accused deserves benefit of doubt. Accordingly, the accused Surjit Singh @ Situ, Jashandeep Singh @ Jashan and Harpreet Singh @ Babbu stands acquitted of the charges framed against them. Their bail bonds and surety bonds stand discharged. Case property if any be dealt according to law after the expiry of period of appeal or revision if any. File be consigned to the Judicial Record Room, Sardulgarh.

Pronounced in open Court.
Dated:18.03.2026.

(Teena)

Tarun Walia
Judicial Magistrate Ist Class,
Sardulgarh (UID No.PB0828)

APPENDIX
A. Prosecution Witnesses

RANK	NAME	NATURE OF EVIDENCE
PW1	ASI Sukhjith Singh	Malkhana Incharge
PW2	ASI Sukhcharan Singh	Investigating Officer
PW3	Chanchal Kumar Proprietor	Formal Witness
PW4	Vipan Kumar Clerk	Witness of Record
PW5	HC Gurpiar Singh	Formal Witness
PW6	SI Gurtej Singh	Recovery Witness
PW7	ASI Avtar Singh	Formal Witness
PW8	SC Malkit Singh	Formal Witness
PW9	ASI Gulbahar Singh	Formal Witness
PW10	SI Hardev Singh	Formal Witness
PW11	ASI Ujagar Singh	Formal Witness

LIST OF PROSECUTION/DEFENCE EXHIBITS
B. Prosecution Exhibits

SR. NO.	EXHIBIT NO.	DESCRIPTION
1.	PW-1/A	Affidavit
2.	PW-1/B	DDR
3.	PW-1/C	Copy of entry of register no. 19
4.	PW-1/D	Road Certificate
5.	PW-1/E	Road Receipt
6.	PW-2/A	Recovery memo
7.	PW-2/B	Arrest cum intimation memo
8.	PW-2/C	Personal Search memo
9.	PW-3/A	Letter no. 886 dated 30.03.2021
10.	PW-3/B	Bill
11.	PW-4/A	Complaint
12.	PW-5/A	Copy of record regarding FIR no. 18 dated 26.02.2021
13.	P1	Disclosure memo of accused Jashandeep Singh
14.	P2	Disclosure memo of accused Surjit Singh
15.	P3 & P4	Rough Sketches
16.	P5	Recovery memo
17.	P6	Ruqa
18.	P7	FIR
19.	P8	Endorsement
20.	P9	Rough site plan
21.	P10 & P11	Arrest memos
22.	P12 & P13	Personal Search Memos

23.	P14	Arrest cum intimation Memo
24.	P15	Personal Search Memo
25.	P16	FSL report
26.	PW-7/A	Copy of FIR no. 237 dated 18.09.2020

C. Material Objects

Sr. No.	Exhibit No.	Description
1.	Exhibit MO1	Parcel of countrymade pistol .315 bore
2.	Exhibit MO2	Parcel of countrymade pistol .32 bore
3.	Exhibit MO3	Parcel of 02 live cartridges
4.	Exhibit MO4	Parcel of 04 live cartridges
5.	Exhibit MO5 & MO6	Two parcels of 05 sample cartridges

CERTIFICATE

Note: Certified that this judgment comprises of 15 pages, all of which bear my signature and have been directly dictated by me and typed on the computer.

**Pronounced in open Court;
18.03.2026**

**(Tarun Walia), PCS,
Judicial Magistrate Ist Class,
Sardulgarh**

Teena

Dictated directly on computer