

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

(219)

**CRM-23631-2017 in/and
CRM-A-1568-MA-2017
Decided on: September 18, 2017.**

State of Haryana

.... Appellant

Versus

Gurdeep @ Billa and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Ms. Shubhra Singh, Addl. A.G., Haryana, for the appellant.

M.M.S. BEDI, J (ORAL)

CRM-23631-2017

Miscellaneous application is allowed. For the reasons mentioned in the application, the delay of 116 days in filing the application for special leave to appeal, in the interest of justice, is condoned.

CRM-A-1568-MA-2017

Doubting the recovery made under the provisions of Section 27 of the Indian Evidence Act, the respondents have been acquitted for offence under Section 25 of the Arms Act.

Learned counsel for the appellant-State has vehemently contended that State has filed appeal against acquittal only challenging the acquittal under Section 25 of the Arms Act as the prosecution was launched after getting the sanction in accordance with law.

We have heard counsel for the appellant-State and carefully gone through the judgment of acquittal.

The recovery of the pistol was allegedly effected from respondents Gurdeep @ Billa and Ankit Rana on the basis of the statement made by them in police custody.

On appreciation of evidence, story of the prosecution regarding the recovery has been doubted by the lower Court.

No ground is made out for interference in the satisfaction of the lower Court granting benefit of doubt to the respondents and acquitting them under Section 25 of the Arms Act.

Leave to appeal is accordingly declined.

Dismissed.

(M.M.S. BEDI)
JUDGE

September 18, 2017.
harsha

(AUGUSTINE GEORGE MASIH)
JUDGE

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