

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40018-2016 (O&M)

Date of decision: February 17, 2017.

Pardeep

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri G.S. Sidhu, Advocate for the petitioner.

Shri Arjun Singh Yadav, Assistant Advocate General, Haryana.

A.B. Chaudhari, J. (Oral):

Heard learned counsel for the parties. This Court had made an order on 19.12.2016 asking the State Counsel to point out any available evidence against the petitioner, if any. Today, the counsel for the State is present before the Court. State Counsel states that recovery of two live cartridges and a pistol is the only evidence available against the petitioner.

In so far as the discovery and recovery is concerned, the prosecution has not examined any concerned witness; the prosecution does not have any direct evidence but evidence in the form of recovery and discovery, which can be proved by the prosecution, if already not proved. But then, the petitioner cannot be detained in jail on the evidence, discussed above. Hence, the petition is allowed and the petitioner is granted bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

[**A.B. Chaudhari**]
Judge

February 17, 2017.

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No