

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

Through Video Conferencing

203

CRM-M-12328-2020

Date of Decision : September 03, 2020

GAGAN KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Anter Singh Brar, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

NIRMALJIT KAUR, J. (Oral)

The prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.56 dated 28.9.2019 under Sections 21, 22, 25, 29, 61 and 85 of the NDPS Act, 1985 and Sections 25/54/59 of the Arms Act, 1959, Police Station Sadar, Kurali, SAS Nagar, Mohali.

Learned counsel for the petitioner while praying for bail to the petitioner submitted that the petitioner has been enroped on the basis of a disclosure statement made by the co-accused. Such statement cannot be read against him. Moreover, he was arrested subsequently on 07.11.2019 and the recovery has been shown from him on his own disclosure statement, whereas, the said recovery has only been planted on him without involving any independent witness.

On the last date of hearing, learned State counsel was directed to place on record the details of the independent witnesses, if any.

Today, the report has been filed and admittedly, there was no independent witness. The only two witnesses were official witnesses. Moreover the recovery in the present case is 20 vials of Avil and 20 vials of Buprenorphine.

In view of the above, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

September 03, 2020
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No