

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-30138-2022 (O&M)

Date of Decision:-19.10.2022

Kamal Kumar

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Ms. Bimla Rani wife of petitioner Kamal Kumar in person.

ASI Jagjivan Singh is present in person.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.10, dated 22.1.2022, Police Station Samrala, Khanna, District Ludhiana, under Sections 20 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. It is the case of prosecution that one Gurmeet Singh @ Geeta was apprehended by the police, whose search led to recovery of 5 kilograms of 'charas'. It is further the case of prosecution that during the course of interrogation, he disclosed that the said contraband had been procured from the petitioner Kamal Kumar.
3. It is the case of petitioner that he has falsely been implicated in the present case and that he was never ever found at the spot and that the only piece of evidence against him is the disclosure statement made by co-accused and that

admissibility of such like disclosure statement would be debatable particularly when there is no other evidence to substantiate the factum of involvement of the petitioner.

4. The Investigation Officer ASI Jagjivan Singh is present in person and has informed that the petitioner was arrested by the police on 23.5.2022 pursuant to the disclosure statement made by co-accused. It has been informed that challan stands presented in the present case and that charges have been framed. It has also been informed out of cited 14 PWs, 2 PWs have been examined.
5. Having regard to the facts and circumstances of the case particularly the fact that the petitioner was not arrested at the spot and has been nominated on the basis of a disclosure statement, the admissibility and veracity of which would be debatable, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**19.10.2022**

geeta

**( Gurvinder Singh Gill )**  
**Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No