

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

CRM-M-41574-2023

Date of decision : 07.12.2023

VINOD KUMAR

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Gaurav Bansal, DAG, Haryana. (Amicus Curiae)

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. seeking transfer of investigation of FIR No.76 dated 08.05.2023 registered for the offence punishable under Section 21 of the NDPS Act, 1985 at Police Station Sadar Jalandhar, District Jalandhar to CBI or some independent agency.

2. The fountainhead of the submissions made in the present petition is a video footage placed on record as Annexure P-2 on the basis of which the petitioner claims false implication alleging that two of the personnels appointed with CIA staff Jalandhar namely Gurpreet Singh @ Gopi and Himanshu had taken away the car parked outside the house of the petitioner which was utilized to plant contraband.

3. Mr. Gaurav Bansal, Ld. Deputy Advocate General, Haryana was requested yesterday to see the video footage along with counsel for the

petitioner and Mr. Tarun Aggarwal, Ld. Sr. Deputy Advocate General, Punjab.

4. Mr. Bansal submits that from the video footage not much can be said as to whether the car was in fact picked from the spot or not. He further submits that even faces cannot be conclusively said to be those of the personnels. So much so even the car number is not visible.

5. Mr. Chadha at this stage submits that the petitioner be allowed to enure benefit of the video footage as defence evidence at an appropriate stage during trial.

6. Finding it to be a fair request the aforesaid liberty is granted.

7. Needless to say the petitioner will be required to plead the same evidence as per law which shall be assessed by the Trial Court in accordance with law.

8. As a word of caution this Court is noticing that nothing observed herein shall enure to the admissibility/relevance of the evidence which shall be adjudicated by the Trial Court in its own wisdom.

9. Petition is disposed off in the above terms.

December 07, 2023

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No