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

CRM-M No. 16505 of 2017

Date of Decision: 24.05.2017

Balwinder Kaur @ Bindi

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. L.S. Sidhu, Advocate,
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 27, dated 16.08.2016, under Sections 22, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the N.D.P.S. Act), registered at Police Station Fatehgarh Panjtoor, District Moga.

Petitioner is accused of offence under Section 22 of the N.D.P.S. Act. 200 grams of intoxicant powder was allegedly recovered from her, which on chemical analysis was found to be containing Alprazolam. The petitioner was granted interim bail, but on receipt of report of the chemical examiner, bail was cancelled and the petitioner was taken into custody.

Alprazolam is covered as per Serial No.30 of the Schedule appended to the N.D.P.S. Act. The same is also covered under Schedule (H) of the Drugs and Cosmetics Act, 1940, as per recommendations of the Review Committee.

Learned State counsel on instructions from A.S.I. Gulzar Singh submitted that the petitioner is in custody for last about seven months and in one case, she has been convicted.

In view of **Rachhpal Singh @ Goldi versus State of Punjab** decided on **15.02.2017** in **CRM-M No.34998 of 2016** and **Parveen @ Dunga vs State of Punjab, 2014 (33) RCR (Criminal) 46**, the issue is debatable as to the applicability of both the Acts.

In view of aforesaid, without adverting to merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to her furnishing adequate bail bonds/ surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 24, 2017

Apurva

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No