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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.1781 of 2017
Date of Decision: 03.04.2017

BALDEV SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl. A.G., Punjab.

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RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.130 dated 18.11.2014 registered under Section 22/61/85 of the NDPS Act at Police Station Chohla Sahib, District Tarn Taran.

FIR was registered when the Police was on patrolling duty at the bridge canal minor at village Pakhopur. One Hindu person was seen coming on foot on the bridge of canal minor. On seeing the police party, he became perplexed and immediately threw the polythene wrapper after taking out the same from his left pocket and tried to retrace his steps. He was

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apprehended on the basis of suspicion. On being asked, he disclosed his name as Baldev Singh (petitioner). The alleged contraband was found to be 250 grams of narcotic power.

On chemical analysis, the alleged contraband was found to be Alprazolam which is covered under column No.30 of the Schedule appended to NDPS Act 1985, but in view of recommendations of Review Committee Alphazolam is also covered under Schedule (H) of Drug and Cosmetics Act, 1940.

The FIR has been registered under Section 22 of the NDPS Act. It would be debatable as to the applicability of both the Acts at the time of trial in view of order passed by this Court in ***Parveen @ Dunga vs. State of Punjab, 2014(33) RCR (Criminal) 46*** and ***CRM-M No.34998 of 2016*** titled "***Rachhpal Singh @ Goldi vs. State of Punjab***".

Learned State counsel on instructions from ASI Lakhvinder Singh stated that after framing of charges no prosecution witness has been examined so far. Petitioner was granted interim bail and he has not misused the concession of interim bail till date. There is no other case against the petitioner.

In view of above, without forming any opinion on the merits of this case at this stage, I deem it appropriate that the petitioner can be granted concession of regular bail.

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In view of above, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his 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.

April 03, 2017. **(RAJ MOHAN SINGH)**
JUDGE

Atik

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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