

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

**Criminal Misc. No. M-23972 of 2017
Date of Decision:-25.07.2017**

Jaswant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner Jaswant Singh in case FIR No.24 dated 31.1.2015, under Section 22-61-85 of the NDPS Act, registered at Police Station Sultanwind, District Amritsar during pendency of trial.

Learned counsel for the petitioner has argued that the allegation against the petitioner is that recovery of 150 grams of intoxicant powder containing *Alprazolam*, was effected from him. The question as to whether the recovery effected from the petitioner is required to be dealt with under the NDPS Act or under the Drugs and Cosmetics Act, 1940 has been considered by this Court in a judgment passed by this Court in case

titled as 'Baldev Singh vs. State of Punjab' CRM-M-1781 of 2017, decided on 3.4.2017. Therefore, the issue is debatable, as to the applicability of both the Acts at the time of trial in view of the 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 Gurbir Singh states that after framing of the charge, the prosecution has examined as many as two witnesses and case is now fixed for 27.7.2017 for recording of evidence of remaining prosecution witnesses. However, there is no other case against the petitioner. For the recovery effected from the petitioner, he has rightly been named as an accused under the NDPS Act.

Having heard learned counsel for the parties and taking into consideration the judgment passed by this Court in **CRM-M-1781 of 2017, decided on 3.4.2017, titled as 'Baldev Singh vs. State of Punjab'**, coupled with the fact that trial in the case will take sufficient long time, the present petition is allowed. The petitioner is admitted on regular bail on furnishing of his bail bonds and surety bonds subject to satisfaction of the trial Court.

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

July 25, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No