

223

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.4032 of 2017
Date of Decision: 03.04.2017

BALWINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl. 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.184 dated 19.09.2016, registered under Section 22 of the NDPS Act at Police Station City South Moga, District Moga.

On 13.02.2017, following order was passed by this Court:-

*“Learned counsel for the petitioner contends that the alleged recovery does not fall within the scope of NDPS Act in view of the fact that Alprazolam is covered by Schedule 'H' of the Drugs and Cosmetics Act, 1940. In support of his arguments, learned counsel placed reliance on **Parveen Singh @ Dunga vs. State of Punjab, 2014 (33) RCR (Crl.) 46.***

Learned State counsel, on instructions from HC Gurcharan Singh, has submitted that the petitioner is also involved in ten more cases including one case under NDPS Act. Let the details of cases in which petitioner is involved be brought on record.

List again on 15.3.2017.”

In compliance of the aforesaid order, learned State counsel on instructions from ASI Harvinder Singh has submitted details of 10 cases out of which two cases are under the NDPS Act. FIR No.184 dated 19.09.2016 under Section 22 of the NDPS Act, P.S. City South Moga, District Moga is the present case whereas in FIR No.24/2015 under Section 22 of the NDPS Act, P.S. Sadar Moga, the petitioner is already on bail. Other 8 cases are either under Excise Act or of penal offences in which petitioner is on bail.

Learned State counsel admitted that except the present case, petitioner is on bail either during pendency of the trial or after conviction. In two of the cases registered at Police Station Nihal Singh Wala, arising out of FIR No.90/06, FIR No.76/09 petitioner has been acquitted.

At this stage, taking into consideration the aforesaid facts, particularly when only challan has been presented as on date, 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 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.

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No