

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

CRM-M No. 41559 of 2016

Date of Decision: 28.02.2017

Balwinder Singh @ Laddi

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ravinder Sharma, Advocate
for the petitioner.

Mr. Deep Singh, A.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case bearing FIR No. 153 dated 12.12.2015 under Sections 22/61/85 of NDPS Act registered at Police Station Bhawanigarh, District Sangrur.

Petitioner was accused in FIR No.152 dated 09.12.2015 under Section 307/34 IPC and 25-54-59 of Arms Act, registered at Police Station Bhawanigarh. In the said case, petitioner suffered a disclosure statement, that ultimately led to

recovery of 500 grams of intoxicant powder which was subsequently found to be containing salt of alprazolam.

Learned counsel for the petitioner submitted that in case FIR No.152 dated 09.12.2015 under Section 307/34 IPC, petitioner has already been granted bail by the High Court in **CRM-M No.26745 of 2016** vide order dated 24.10.2016.

The alleged recovery made in the present FIR was not witnessed by any independent person. Even otherwise, alprazolam is covered under Serial No.30 of the Schedule of 1985 Act and is covered under Schedule 'H' of Drugs and Cosmetics Act, 1940.

It would be a debatable issue regarding applicability of both the Act at the time of trial.

The petitioner is in custody since 09.12.2015.

Learned State counsel on instructions from ASI Santokh Singh admitted that the petitioner is not involved in any other case.

At this stage, I am of the view that the issue involved is debatable issue and the prayer of the petitioner for grant of regular bail can be considered.

In view of above, the petitioner is ordered to be released on bail on his furnishing adequate bail bonds/surety bonds subject 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.

28.02.2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No