

202

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

CRM-M No.43069 of 2016

Date of Decision: 17.05.2017

BALWINDER SINGH @ GUJJAR SINGH @ BAGHI
.....Petitioner

Vs

STATE OF PUNJAB **.....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G.S. Bedi, Advocate
for the petitioner.

Mr. A.S. Kler, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Prayer made in the present petition is for grant of anticipatory bail to the petitioner in FIR No.61 dated 04.04.2016 registered under Sections 15, 18, 20, 21, 22, 61, 85 of the NDPS Act and under Sections 61-1-14 of the Excise Act at Police Station Kotwali, District Kapurthala.

The FIR was registered against 32 accused of the same village. Out of 32 accused 24 accused were granted concession of pre-arrest bail on the ground of recoveries being non-commercial in nature and 6 accused were granted interim bail including the petitioner for awaiting the report of Chemical Examiner. Different recoveries have been effected from different persons on different dates. 250 grams of Alprazolam is allegedly recovered from the petitioner. On receipt of report of Chemical Examiner, interim bail granted to the petitioner was cancelled.

Alprazolam is covered under serial No.30 of the Schedule appended to NDPS Act 1985 and the same is also covered under Schedule (H) of Drug and Cosmetics Act, 1940 as per recommendations of the Review Committee.

In view of decision rendered in **CRM-M No.34998 of 2016** titled "**Rachhpal Singh @ Goldi vs. State of Punjab**" decided on 15.02.2017 and **Parveen @ Dunga vs. State of Punjab, 2014(33) RCR (Criminal) 46.** I deem it appropriate to enlarge the petitioner on bail as the issue is debatable with regard to the applicability of the provisions in which the present FIR has been registered.

Petitioner is directed to appear before the trial Court within a period of one week. In the event of appearance of the petitioner, he shall be admitted to bail subject to the satisfaction of the trial Court.

Petition stands disposed of.

May 17, 2017

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No