

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

CRM-M-41052 of 2018.

Decided on:- November 01, 2018.

Salwinder Singh alias Shinda.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed by the petitioner under Section 439 Cr.P.C. is for grant of regular bail in FIR No.19 dated 29.06.2018 under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Kacha Pacca, District Tarn Taran.

Learned State counsel has filed the copy of FSL report in Court today, which is taken on record. Copy supplied.

Learned counsel for the petitioner, on the strength of FSL report, states that the contraband so recovered from the petitioner does not fall within the ambit of NDPS Act.

However, learned State counsel states that the argument as raised by learned counsel for the petitioner is a matter of trial and at this stage, the petitioner cannot take the benefit of the report of FSL.

The recovered contraband i.e. Diclofenac Sodium whether falls within the ambit of NDPS Act or under the Drugs and Cosmetics Act, is a debatable issue, which can be adjudicated during the trial, and considering the fact that the conclusion of trial will take sufficient long time, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on bail subject to furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case.

November 01, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No