

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26159-2019 (O&M)

Date of decision :28.11.2019

Jaswant Singh

.....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. APS Sandhu, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of regular bail in a criminal case arising out from FIR No.106, dated 27.06.2018, registered under Sections 21/22 of the NDPS Act, 1985, at Police Station Beas, District Amritsar, Rural Amritsar.

As per the case of the prosecution, petitioner was found in conscious possession of 1600 intoxicating capsules and 1380 intoxicating tablets.

Learned counsel for the petitioner contends that if actual contents are calculated of the prohibited substance only, the recovery would not fall in the commercial category. In support thereof, he has relied upon judgment passed by this court in the case of **Rajbir Singh @ Raju vs. State of Punjab, 2018(4) RCR (CrL)375.**

This court has considered the submission.

The judgment passed in the case of **Rajbir Singh**(supra) is pendign re-consideration before a Division Bench pursuant to an order of

reference in the case of CRM-M-28002 of 2018(*Anil Kumar alias Nehla versus State of Punjab*)

Still further, the matter is also being considered by a larger Bench pursuant to a reference by the Hon'ble Supreme court in the case of *Hira Singh and another vs. Union of India and another, (2017) 8 SCC 162.*

In view thereof, this court is not inclined to order release of the petitioner, at this stage. The present petition is disposed of by observing that petitioner shall be entitled to move a fresh application after the references by the larger Bench are decided.

November 28, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No