

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37056-2019(O&M)

Date of decision :28.11.2019

Gurdeep Chand @ Baba

.....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navneet Jindal, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for grant of regular bail in a criminal case arising out from FIR No.79, dated 18.06.2019, registered under Section 22 of the NDPS Act, at Police Station Ding, District Sirsa.

As per the case of the prosecution, petitioner was found in conscious possession of 6080 intoxicating capsules/tablets, total weight whereof is 2242 gram. Investigations are complete. Police report as required under Section 173 Cr.P.C has been filed.

Learned counsel appearing for the petitioner submitted that if actual contents of the narcotic/psychotropic substance are taken into consideration while keeping aside neutral substance the recovery from the petitioner shall not fall in 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

under 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