

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

**CRM-M-11409-2017
Date of decision :25.09.2017**

Inderjit Singh @ Inderjeet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Dr. Anmol Rattan Singh Sidhu, Senior Advocate
with Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by Inderjit Singh @ Inderjeet Singh an accused in FIR No.43 dated 12.05.2016, under Sections 22 of the NDPS Act, registered at Police Station Sadar Rajpura, District Patiala, who is facing trial by Special Judge, Paitala.

Briefly stated facts of the case are that on 12.05.2016 a police party from Police Station Sadar Rajpura headed by ASI Gurjit Singh was present near Jashan Hotel at main G.T. Road, Rajpura, then at about 3:30 p.m. a car bearing registration No.PB31-N-2552 make Swift came, which was signaled to stop; that the car driver tried to speed away the car, but it

was stopped, two persons with hair cut were sitting in the car, they were apprehended; that the person sitting on the driver seat disclosed his name as Inderjit Singh @ Inderjeet Singh son of Baldev Singh, whereas the person sitting with him on the front seat disclosed his name as Mani Varsi son of Raj Kumar Varsi resident of village Panj Garaian, Police Station Sherpur, District Sangrur; that the search of the car as per rules was conducted which resulted in recovery of 80 bottles of corex and 20 strips of tablets make carisoma, each strip was having 50 tablets; that accused could not produce any license for possession of the recovery intoxicating material. Samples were duly drawn, ruqa was sent to the police station, which formed basis for registration of FIR. After completion of investigation they have been challaned.

I have heard learned counsel for the parties, besides, going through the record. The recovered articles constitute commercial quantity.

Sections 37 of the NDPS Act provides as under:-

“Section 37 of the Act: *“Offences to be cognizable and non-bailable –*

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974)—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity

to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, on granting of bail.”

Such bar of Section 37 NDPS Act clearly comes in the way of the petitioner asking for regular bail. The trial against the petitioner is going, his guilt shall be determined during the trial. Expeditious trial is right of every accused. I do not find any merit in the petition, the same stands dismissed. However a direction is issued to the trial Court to expedite the trial and dispose it of finally preferably within a period of 6 months from the date of receipt of this order.

25.09.2017

Gaurav Sorot

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**