

**CRM-M-16669-2017 and
CRM-M-22674-2017**

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

Date of Decision: 21.08.2017

1. CRM-M-16669-2017

Resham Singh

... Petitioner

Versus

State of Punjab

... Respondent

AND

2. CRM-M-22674-2017

Tarsem Singh @ Sema @ Joginder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Parminder Kaur, Advocate for
Ms. Riffi Birla, Advocate for
the petitioner in CRM-M-16669-2017.

Mr. N.S.Sodhi, Advocate,
for the petitioner in CRM-M-22674-2017.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

INDERJIT SINGH, J. (Oral)

This order of mine shall dispose of CRM-M-16669-2017,
filed by petitioner-Resham Singh and CRM-M-22674-2017, filed by
petitioner-Tarsem Singh @ Sema @ Joginder Singh, under Section 439

**CRM-M-16669-2017 and
CRM-M-22674-2017**

of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.44 dated 19.04.2013, registered at Police Station Kot isse Khan, Tehsil and District Moga, under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, Sections 15, 18 and 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959.

Notice of motion was issued in both these cases. Learned State counsel put in appearance on behalf of the respondent-State and contested both these petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

Report of trial Court has been received.

From the record, I find that recovery of 'Diphenoxylate Hydrochloride' effected from the petitioners falls under commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in case of commercial quantity.

Keeping in view the fact that recovery effected from the petitioners falls under commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused in case of commercial quantity, I do not find it fit cases where the petitioners are entitled to the benefit of regular bail.

Therefore, finding no merit in the present petitions, the same are dismissed.

**CRM-M-16669-2017 and
CRM-M-22674-2017**

Report of trial shows that since the presentation of challan, the trial Court is dealing with the case in a routine manner and is not taking any coercive method for procuring the presence of the accused or by giving short adjournment or by writing to the SSP concerned etc. The present petitioners have been in custody since November, 2014 and report of the trial Court shows that no procedure has been adopted even so far for procuring the presence of co-accused by proclamation etc.

In such circumstances, trial court is directed to proceed with the case expeditiously and procure the presence of co-accused as per law at the earliest or if the case of the petitioners can be separated from the absentee accused as per law, then proceed with the case of the present petitioners accordingly. Trial Court is also directed to send further report to this Court after a period of 03 months. Trial Court is also directed to give short dates in this case or even adjourn the case on day to day basis, if necessary. Concerned SSP is directed to personally look into the matter for procuring the presence of co-accused, who have absented from the court proceedings and for producing the witnesses whenever called by the trial Court.

21.08.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No