

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

CRM No.M-35654 of 2017 (O&M)

Date of Decision: July 11, 2018

Jagroop Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Anil Garg, Advocate
for the petitioner.

Mr.Pawan Sharda, Sr. DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0002 dated 26.01.2017 under Section 22 of the NDPS Act, registered at Police Station Bakhshiwala, District Patiala.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

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

From the record, I find that two plastic bags containing 25 bottles of Corex each were recovered from the present petitioner. The recovery falls under commercial quantity. Section 37 of the NDPS Act bars

the grant of bail to the accused in case of commercial quantity.

Learned counsel for the petitioner argued that petitioner is suffering from paralysis and is permanently handicapped. In the present case, interim bail has been granted by the Coordinate Bench.

From the record, I find that the recovery from the present petitioner falls under commercial quantity and as per Section 37 of the NDPS Act, bail cannot be granted to him. There is no exception for handicapped persons. Otherwise also, interim bail can be granted for short period if the petitioner wants to get some emergency treatment or falls seriously ill but regular bail cannot be granted on this ground.

Therefore, finding no merit in the present petition, the same is dismissed. The order dated 27.02.2018 granting interim bail to the petitioner stands vacated. The petitioner is directed to surrender immediately, otherwise, trial Court will take necessary action, as per law. Learned trial Court is further directed to expedite the trial.

The Registry is directed to send the copy of this order to the trial Court.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 11, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No