

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

CRM No.M-8808 of 2018 (O&M)

Date of Decision: July 31, 2018

Jaswinder Singh alias Bablu

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.S.Sekhon, Advocate
for the petitioner.

Ms.Monika Jalota, 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.196 dated 25.08.2016 under Sections 399, 402, 379-B and 413 IPC (Section 22 of the NDPS Act added later on), registered at Police Station City, Ferozepur.

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 FIR has been registered on the basis of information against the petitioner and other accused. As per the allegations, 1000 tablets of Alprazolam, wrapped in a polythene bag have

been recovered from the present petitioner. Admittedly, the quantity recovered from the petitioner falls under commercial quantity. Section 37 of the NDPS Act bars the grant of bail to the accused in case commercial quantity. Therefore, present petitioner is not entitled for benefit of regular bail.

Learned counsel for the petitioner argued that on the basis of parity bail may be granted to the present petitioner as co-accused Satnam Singh has been granted bail by the Coordinate Bench. I have gone through the order passed by Coordinate Bench. Though, it is in the order that quantity recovered from Satnam Singh co-accused is commercial one but provisions of Section 37 of the NDPS Act have not been brought to the notice of the Coordinate Bench. As Section 37 of the NDPS Act bars the grant of bail to the accused in case of commercial quantity, therefore, question of parity does not arise in this case.

Therefore, finding no merit in the present petition, the same is dismissed. However, as the petitioner has been in custody since 25.08.2016, therefore, learned trial Court is directed to decide the case expeditiously by giving short adjournments.

Since the main case is decided, the pending civil misc. application, if any, also stands disposed of.

July 31, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No