

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

CRM-M-26554 of 2015

Date of decision:- September 01, 2015

Vijay Kumar

Petitioner

vs.

State of Punjab

Respondent....

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Raj Kumar Gupta, Advocate,
 for the petitioner.

Mr. Y.K. Gupta, AAG, Punjab.

1. Whether Reports of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Jaspal Singh, J. (Oral)

 This is a third petition preferred under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C.") by Vijay Kumar, seeking regular bail in case FIR No. 146, dated 21.06.2014, under Section 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Samrala, District Khanna, as earlier two petitions preferred by petitioner under Section 439 Cr.P.C. i.e. CRM-M-34732 of 2014 was dismissed on merits on October 31, 2014 and another petition i.e. CRM-M-6866 of 2015 was dismissed as withdrawn on April 01, 2015.

2. Shortly put, case of prosecution is that on 21.06.2015, petitioner along with other person Gurpal Singh was intercepted by police and 280 Kg of poppy husk is alleged to have been recovered from their

possession. The petitioner is behind bars since the date of his arrest. The bail of petitioner has been sought on the ground that he is seriously ill and is suffering from HIV+ve. As per certificate issued by Senior Medical Officer, Central Jail Hospital, Ludhiana, he has been suffering from chronic gastritis and difficulty in swallowing off and on. Following which he get dehydration and requires perineal I/V administration of fluids and drugs.

3. Dr. Sunil Bhatti, Incharge Central Jail, Hospital, Ludhiana is also present in Court and has submitted that condition of petitioner has already been reflected in the certificate (Annexure P-2).

4. Taking into consideration the condition of petitioner, it would not be desirable to keep him behind the bars as there is no proper treatment in the hospital located in jail premises. On humanitarian ground, this Court is of the considered view that it would be apt and proper to grant bail to petitioner.

5. Accordingly, petition is allowed and petitioner is ordered to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

September 01, 2015
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(JASPAL SINGH)
JUDGE