

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

CRM-M No.29934 of 2015 (O&M)

Date of Decision: 24.09.2015

Davinder Singh @ Bunty

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajeshwar Singh Thakur, Advocate for the petitioner.

Mr. K.S.Sidhu, Deputy Advocate General, Punjab
for the respondent along with HC Harpal Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail in case FIR No.105 dated 21.07.2012, under Sections 21,61 and 85 of the Narcotic Drugs and Psychotropic Substances Act and Section 27 of the Drugs and Cosmetics Act, 1940, registered with Police Station Morinda, Tehsil and District Rupnagar, Punjab.

As per the allegations, the petitioner along with co-accused-Varinder Singh, was found in possession of 9000 tablets of Phenotil and 600 Capsules of Parvon Spas, while driving a car owned by the co-accused-Varinder Singh, which are dangerous psychotropic substances and the said quantity is commercial in nature.

The petitioner is stated to be in custody since 21.07.2012.

Learned Counsel for the petitioner submits that the co-accused-Varinder Singh has since been granted bail on 31.03.2014 in CRM-M No. 4159

of 2013 on the ground that he is suffering from Tuberculosis, Hepatitis-B and Hepatitis-C.

It is stated that the petitioner is also seeking regular bail on medical grounds since he is stated to be HIV positive with Hydropneumothorax.

Learned State Counsel, on instructions from HC Harpal Singh, submits that almost the entire prosecution evidence is over and concedes that co-accused-Varinder Singh has been granted bail.

Without commenting on the merits of the case, keeping in view the illness of the petitioner and parity of treatment, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Rupnagar.

Disposed of.

September 24, 2015

Gagan

**(JASWANT SINGH)
JUDGE**