

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No. 18866 of 2018  
Date of Decision : 22.05.2018

Jagdeep Singh @ Deepa

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, Assistant Advocate General,  
Punjab.

\*\*\*

**Anupinder Singh Grewal, J.(Oral)**

The petitioner is seeking regular bail in FIR No. 207, dated 22.12.2017, under Sections 22, 61, 85 of the NDPS Act, registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the alleged recovery effected from the petitioner is 40 intoxicating injections mark 'BUPRENORPHINE' each containing 2 ML and 40 intoxicating injections mark AVIL each containing 10 ML. He also contends that the drug AVIL does not fall in the NDPS Act and a Coordinate Bench of this Court in CRM No. M-15370 of 2018, decided on 23.04.2018 relying upon a judgment of another Coordinate Bench in CRM No. M-30008 of 2017, decided on 06.10.2017, had directed the petitioner therein, who was found to be in possession of identical quantity of BUPRENORPHINE, to be released on regular bail. Learned counsel further contends that the

petitioner is HIV +ve and is also suffering from Hepatitis C. He also

contends that the petitioner is in custody for the last 05 months since his arrest on 22.12.2017.

Learned State counsel has referred to the affidavit of Deputy Superintendent, Central Jail, Faridkot, wherein, it has been mentioned that the petitioner was found HIV reactive and is being administered ART (Anti Retroviral Treatment) regularly and is on a High Protein Diet. Copy of the report of Medical Officer, Jail Hospital, Faridkot is annexed as Annexure R-1.

Heard.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is HIV +ve, I deem it appropriate to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. Petitioner, namely, Jagdeep Singh @ Deepa is ordered to be released on regular bail on his furnishing bonds to the satisfaction of trial Court/Duty Magistrate.

**May 22, 2018**  
*kanchan*

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

*Whether speaking/reasoned?*      *Yes/No*  
*Whether reportable?*                *Yes/No*