

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3264-2019

Date of decision: 17.05.2019

Gurdit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.S. Cheema, Advocate
for the petitioner.

Mr. Sidakmeet S. Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.64 dated 28.08.2018 under Section 22 of NDPS Act, registered at Police Station Melupur, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner was apprehended while carrying a cloth bag in his right hand. The Investigating Officer gave him notice under Section 50 of NDPS Act to be searched before a Gazetted Officer or Magistrate and when the petitioner reposed confidence on him and search was conducted, in which 18 bottles of injection of Pheniramine Maleate I.P. Avil 10 ML along with 18 injection of Buprenorphine IP Rexogesic 2 ML were recovered. It is further submitted that the petitioner is aged about 20 years; he is a case of HIV+ and is under treatment at Rajindra Hospital, Patiala. Learned counsel further submits that the

petitioner is in custody since 28.08.2018 and conclusion of the trial will take some time.

On the last date of hearing, learned State counsel was directed to file certificate of the jail doctor.

Learned State counsel, on instructions from ASI Naib Singh, has submitted that since the petitioner has been shifted to some other jail, requisite certificate of the jail doctor could not be produced, however, he has verified the fact that the petitioner is suffering from HIV+ and is under treatment.

Without commenting anything further on merits of the case, considering the fact that the petitioner is young man aged about 20 years; he is a case of HIV+ and requires constant medical treatment and is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.05.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No