

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-4506-2019 (O & M)

Date of Decision: December 11, 2019

SUKHWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. K.K. Bheniwala, Addl. AG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No. 85, dated 25.07.2018, under Section 22 of the NDPS Act, registered at Police Station Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner contends that the prosecution story appears to be improbable as it was alleged that the motorcycle was found at the spot along with scattered injections of Buprenorphine. The alleged witness to the recovery namely Binder Singh, is the stock witness of the police who has given evidence in several cases. He also contends that although the FIR has been registered at 11.00 pm but in the ruqa and the recovery memo, which were prepared much earlier, the FIR number has been mentioned. He also contends that the petitioner is HIV Positive and is in custody for over 01 year and 01 month.

Learned State counsel has filed custody certificate of the petitioner, which indicates that the petitioner is in custody for 01 year and 28 days as on 06.12.2019. In the affidavit filed by the Superintendent, New

District Jail, Nabha, report of the Medical Officer has been attached wherein it is stated that the petitioner is HIV and HCV positive. The relevant extract of the medical report is reproduced hereunder:-

“He has been thoroughly investigated and all test has been done. He came positive for HIV and HCV. ART (Anti-Retroviral) therapy was started since he was diagnosed with HIV. He is on special diet (Eggs, rice, milk, dahlia) every day. His medicine is due for HCV (Hepatitis C Virus), as there is non-availability of HCV Medicine at Mata Kaushlaya Hospital, Patiala but will be available 2 to 3 days. Due to presence of both HIV & HCV, he has been under surveillance and proper care is take due to unavailable of critical case services, the patient health needs to monitored properly.”

Learned State counsel upon instructions from ASI Baljit Singh states that 04 out of 11 prosecution witnesses have been examined.

Heard.

In view of the submissions of learned counsel for the petitioner especially the medical condition of the petitioner, he is in custody for over 01 year and 01 month and conclusion of the trial is likely to take some time, I deem it a fit case 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. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

December 11, 2019

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No