

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-28000-2018 (O&M)

Date of Decision:- 24.1.2019

Ajay Kumar

... Petitioner

Versus

State of Punjab

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Priyanshu Kamra, Advocate, for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

\*\*\*\*\*

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.219, dated 12.9.2017, registered at Police Station Lambi, District Sri Muktsar Sahib, under Section 22 of NDPS Act.
2. The case of the prosecution, in nutshell, is that on 12.9.2017, when a police party headed by ASI Gurdeep Singh was patrolling in the area of village Fatuhi Wala, then two clean shaven persons were seen riding a motorcycle bearing registration No.PB-30-S-2782, who were signaled to stop but the said persons tried to take a U-turn and in the process fell down and a package which they had kept in between them also fell down. Both the said persons ran away while leaving the

motorcycle and the package and were successful in escaping from the spot. A search of the package yielded recovery of 25 injections marked as 'Buprenorphene', each weighing 2 ML and whereupon a batch number was also mentioned. Another 25 injections of 'AVIL' (Pheniramine Maleate) were also recovered weighing 10 ML each.

3. Learned counsel for the petitioner has restricted his submission as regards release of petitioner on bail, on medical grounds only and has submitted that since the petitioner has been diagnosed as HIV positive, therefore, he may be extended the benefit of bail.
4. This Court vide order dated 12.7.2018 had directed the Superintendent, Central Jail, Faridkot to get the petitioner medically examined and to submit report and as regards the contention of the petitioner that he is HIV positive and was also directed to report as to whether adequate medical facilities are available in the jail or not.
5. A status report by way of affidavit of Sh. Jaspal Singh Hans, Superintendent, Central Jail, Faridkot, has been received to the effect that the petitioner-Ajay Kumar has a history of being an "injecting drug user" and he is HIV positive. It has however, been reported that the petitioner is getting adequate treatment in the jail hospital.
6. In view of the aforesaid position, that necessary medical treatment is being made available to the petitioner, this Court does not find any ground for grant of bail on the aforesaid medical grounds.
7. The petition, as such is dismissed. The petitioner would however, be at liberty to move afresh before the learned trial Court seeking grant

of bail on merits or on the basis of long custody period. The trial Court is also directed to take effective steps for expediting the trial.

8. However, Superintendent, Central Jail, Faridkot, is directed to ensure that the health of petitioner is regularly monitored and he is provided adequate medical treatment.

**January 24, 2019**  
mohan

**( GURVINDER SINGH GILL)**  
**JUDGE**

|                            |          |
|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |