

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-38431-2019 (O & M)

Date of Decision: December 16, 2019

RAJESH KUMAR @ BABBU

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking interim bail for a period of one month in FIR No.207 dated 22.12.2017 under Section 22 NDPS Act, 1985 registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the allegations against the petitioner are that 40 injections of Buprenorphine each containing 02 ml. were allegedly recovered from the petitioner. The petitioner is in custody for over 02 years and not involved in any other case. He is HIV Positive.

Learned State counsel has filed status report by way of affidavit of Gurjeet Singh Brar, PPS, Deputy Superintendent, Central Jail, Faridkot wherein it is stated that the petitioner is indeed HIV Positive and is being treated at ART Centre in Central Jail, Faridkot. A copy of the custody certificate has also been attached with the attached with the affidavit as

Annexure R-1, which indicates that the petitioner is in custody for 01 year, 11 months and 20 days.

In view of the petitioner being HIV Positive, the petition is allowed and the petitioner shall be released on interim bail for a period of one month, subject to his furnishing requisite bonds to the satisfaction of the CJM/Duty Magistrate concerned.

The petitioner shall surrender back before the Superintendent, Central Jail, Faridkot, on 19.01.2020 by 05.00 p.m.

(ANUPINDER SINGH GREWAL)
JUDGE

December 16, 2019

A.Kaundal

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