

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-3392 of 2020

Date of Decision: October 13, 2020

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jasraj Singh, Advocate,
for the petitioner.
Mr. Saurav Khurana, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.57 dated 21.05.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Mahilpur, District Hoshiarpur. The petitioner is in custody since his arrest on 21.05.2019.

As per the allegations in the FIR, on 21.05.2019, the police party, during the course of patrolling near Gandhowal Siphon, apprehended a trimmed hair person on suspicion, who on enquiry, disclosed his name as Hardeep Singh. The search of the polythene bag held by him in his right hand was conducted and 18 small BUPRENORPHINE-IP (LEGESIC) Injections and 18 bottles of big PHENIRAMINE MELEATE Injections were recovered. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the investigation in this case is complete, but the trial is not making any headway, therefore, the petitioner be released on regular bail. He has further submitted that the petitioner is suffering from HIV infection and is prone to

catch other infections because of low immunity. He has invited the attention of the Court to the order dated 28.05.2020 passed by the learned Additional Sessions Judge, Hoshiarpur, wherein it is noticed that indeed the petitioner is suffering from HIV, but his prayer for bail was declined. He prays that the petitioner be released on regular bail.

On the other hand, learned State counsel, assisted by SI Ranjit Kumar, has opposed the prayer on the ground that the recovered contraband comes within the ambit of commercial quantity as per N.D.P.S. Act, 1985. However, it is not disputed by him that the petitioner is not involved in any other case and no witness has been examined so far by the prosecution in the present case.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the final report has been filed, but the trial is yet to commence. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner, who is a patient of HIV, is presently confined in judicial custody since 21.05.2019 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Hoshiarpur.

October 13, 2020**ramesh****(MANOJ BAJAJ)****JUDGE****Whether speaking/reasoned****Yes/No****Whether Reportable:****Yes/No**