

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

209

CRM-M-25041-2020 (O&M)

Date of decision: 23.09.2020

Sukhdev Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Arti Kaur, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-22744-2020

The petitioner has filed present application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of six weeks' interim bail on medical grounds.

Briefly stated, the petitioner has filed the present application on the averments that he is a HIV positive patient and is also suffering from other serious ailments. The petitioner has low immunity and is more vulnerable to infection of Covid-19 as compared to other inmates and requires extra medical care and attention of his family members. The petitioner may be granted interim bail for a period of six weeks for his medical treatment.

No reply to the application has been filed by the

respondent-State which has in reply to the petition evasively denied the averments as to medical condition of the petitioner for want of knowledge.

Learned State counsel has filed custody certificate through e-mail print out of which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has, while reiterating the factual averments made in the application, submitted that the petitioner, who is not involved in any other case under the Narcotic Drugs and Psychotropic Substances Act, 1985, may be granted six weeks' interim bail for his medical treatment.

On the other hand, while admitting the facts as to medical ailments of the petitioner and also his non-involvement in any other case under the Narcotic Drugs and Psychotropic Substances Act, 1985, learned State counsel has submitted that the petitioner is accused of having kept commercial quantity of contraband in his possession without any permit or licence and does not deserve the grant of interim bail as he can be provided requisite medical treatment in jail.

Admittedly, the petitioner is HIV positive patient and is also suffering from other ailments requiring extra medical care and caution due to the reason of having low immunity rendering him more vulnerable to infection of Covid-19 as compared to other inmates. In view of the facts and circumstances of the case, I am of the considered view that the petitioner deserves grant of interim bail for his medical treatment.

Accordingly, the application is allowed and the petitioner is ordered to be released on interim bail for six weeks from 25.09.2020 10:00 A.M. to 06.11.2020 till 12:00 Noon on furnishing of requisite personal and surety bonds by him to the satisfaction of the the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petitioner shall surrender before the Superintendent of the concerned jail on 06.11.2020 at or before 12:00 Noon.

CRM-M-25041-2020

The petitioner has filed this petition under Section 439 of the Cr.P.C. for grant of regular bail in case FIR No.82 dated 03.11.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station, Balachaur, District SBS Nagar.

Learned counsel for the petitioner has submitted that in view of grant of six weeks' interim bail to the petitioner, the petitioner does not want to continue with the present petition and the same may be dismissed as withdrawn at this stage.

Dismissed as withdrawn at this stage.

23.09.2020

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**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No