

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

Criminal Misc.-M-25304 of 2020 (O&M)
Date of Decision: December 16, 2020

Ichharwar Singh @ Babbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Balbir Singh Saini, Advocate,
for the petitioner.

Mr. Mehardeep Singh Dullat, Addl.A.G.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.21 dated 13.03.2018, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Jalandhar Cantt., District Jalandhar. The petitioner is in custody since his arrest on 13.03.2018.

As per the allegations in the FIR, on 13.03.2018, the police party was going from Rama Mandi Chowk, Jalandhar to Railway Station Cantt, Jalandhar in connection with patrolling and checking of suspicious persons and when they reached near Railway Station, Chungi, one young person was seen coming on foot from the side of Railway Station, Jalandhar Cantt, who was carrying a black colour plastic bag in his right hand. On suspicion, he was apprehended and on search of the plastic bag, 22 AVIL injections and 22 BUPERNOR PHINE injections were recovered.

Learned counsel for the petitioner has contended that the petitioner is suffering from HIV infection and is in custody since his arrest on 13.03.2018 and till date, no prosecution witness has been examined. He has further contended that the petitioner is not keeping good health and, therefore, be released on regular bail.

On the other hand, learned State counsel has produced the short affidavit of Baljit Singh PPS-I, Superintendent Central Jail, Kapurthala which mentions the fact that the petitioner is a HIV patient. It is also not disputed by him that no prosecution witness has been examined so far.

Considering the above background, custody of the petitioner and the fact that the trial will take long time to conclude in the wake of outbreak of pandemic COVID-19 in the region, this Court does not find any reason to decline the prayer. The petitioner is presently confined in judicial custody since 13.03.2018 and his further detention may not be necessary for any useful purpose.

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, Jalandhar.

December 16, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No