

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25494-2020

Date of Decision:-21.09.2020.

Dharamvir Singh @ Sodhi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

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

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

SANJAY KUMAR, J. (Oral)

The petitioner is one of the accused in FIR No.0079 dated 11.07.2018 on the file of Police Station Nawanshaher, District SBS Nagar, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act of 1985'). By way of this petition filed under Section 439 Cr.P.C., he seeks grant of regular bail.

The petitioner was allegedly found in possession of 40 injections of Buprenorphine Omgesic, each containing 2 ml. The report of the chemical examiner was that these injections contained Buprenorphine Hydrochloride. The commercial quantity prescribed in relation to this drug

in the Notification issued under the Act of 1985 is 10 ml, while the petitioner was allegedly found to be in possession of 80 ml.

The Deputy Superintendent of Police, Nawanshahar Sub-Division, District SBS Nagar, filed a reply opposing this bail petition. Therein, he reiterated the aforestated facts and asserted that 3 other cases were registered against the petitioner, of which one was under the Act of 1985. He was stated to have been convicted and sentenced to one year imprisonment in that case. The Deputy Superintendent of Police further stated that the petitioner was declared a proclaimed offender in another case. He therefore asserted that the petitioner was not entitled to grant of bail, being a habitual offender.

As the petitioner had claimed that he was a patient of Hepatitis-C and was also HIV positive, the jail authorities were asked to submit their reply with regard to his medical condition. The Deputy Superintendent of Police, Central Jail, Ludhiana, thereupon filed a reply stating as follows:- The petitioner was admitted to the Central Jail, Ludhiana, on 12.07.2018 in relation to the subject case. He is HIV positive and is receiving ART treatment since 20.10.2018. He was also placed on a high protein diet. He is also a known case of HCV for which he completed his treatment over a period of 3 months. He is stated to be in a satisfactory condition presently.

In the light of the aforestated replies, it is clear that there is no immediate pressing medical requirement warranting that the petitioner be granted the relief of bail. His past criminal antecedents as well as the fact that he is facing a case involving more than the commercial quantity of a

prohibited drug warrant that no indulgence be granted to him at this stage. The provisions of Section 37 of the Act of 1985 would stand attracted and this Court finds no grounds to believe that he would not commit a similar offence if set free.

The bail petition is accordingly dismissed.

(SANJAY KUMAR)
JUDGE

September 21, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.