

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

CRM-M No.45250 of 2020 (O&M)

Date of Decision : 20.02.2020

Kulwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Swarn S. Tiwana, Advocate
for the Petitioner.

Mr. Avtar S. Sandhu, Addl. Advocate General, Punjab
assisted by SI Rajinder Singh
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.6578 of 2020

For the reasons mentioned in the application, the Applicant/
Petitioner is permitted to place on record copies of the four Judgments
(Annexures A-1 to A-4) pertaining to the criminal trials, in which he was
prosecuted.

Application stands disposed off.

CRM-M No.45250 of 2020

The instant Petition has been filed under Section 439 of the
Code of Criminal Procedure seeking Regular Bail in case FIR No.80, dated
31.05.2019, registered under Section 18 of the NDPS Act, 1985, at Police
Station Lalru, Tehsil & District SAS Nagar, Punjab.

2. The Petitioner was arrested on 31st May, 2019, being found in
possession of 5 kgs. of Opium, which admittedly is commercial quantity.

3. He has been in detention thereafter.
4. The trial is stated to be in progress and upto now only 01 out of 15 witnesses, has been examined.
5. The completion of trial will take its own time.
6. The Petitioner is an HIV patient as seen from Annexure P-5, according to which his Blood Report revealed him to be HIV-1 Reactive.
7. Admittedly, the Petitioner has involved in four other criminal cases but two of them pertain to ordinary offences under the Indian Penal Code. The remaining two were under the NDPS Act. The Petitioner was convicted only in one case wherein he similarly found in possession of Poppy Husk weighing 6 kgs., which is well below the commercial limit of 50 kgs. He was acquitted in second case under NDPS Act.
8. Considering the overall circumstances, further detention of the Petitioner, in the present case, at this stage, would not appear to be called for.
9. For the aforesaid reasons, the present Petition is allowed and the Petitioner, namely, Kulwinder Singh, is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court concerned.

February 20, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No