

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

**CRM-M-53362-2019
Date of decision: 15.01.2020**

Manharmnajt Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. H. S. Aujla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 35 dated 11.05.2019, registered under Section 22 of the NDPS Act, 1985 at Police Station Badali Ala Singh, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that petitioner is a first offender and as per the allegations in the FIR, the police party, headed by ASI Nazar Singh, received a secret information that petitioner Manharmanjit Singh and Khushwinder Singh are habitual in taking and selling the intoxicant injections and they are coming from Ambala on their motorcycle along with the contraband. Thereafter, the police party apprehended both of them and recovered 58 injections of Buprenorphine 2 ml each and 58 vials of Avil 10 ml each.

Learned counsel for the petitioner further submits that petitioner is an old patient of HIV (AIDS) and conclusion of the trial is likely to take a long time.

Learned State counsel has filed affidavit of Superintendent of New District Jail Nabha along with report of the medical officer of jail and custody certificate. The report of the medical officer reads as under:

“This is to inform you regarding the patient Manharmanjit Singh s/o Baljinder Singh is in New District Jail, Nabha from last 8 months. He is HIV positive (Human Immuno Deficiency Virus) and is on ART (Anti Retroviral therapy) from last 8 months. He is also on special diet (including eggs, rice, dhalia, milk) on monthly basis. He is under surveillance and proper care has been taken. Proper counselling is done on regular basis.”

A perusal of the custody certificate shows that the petitioner is in judicial custody for the last about 08 months and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties and also in view of the medical condition of the petitioner, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

15.01.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No