

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

205

CRM-M-53877-2019

Date of decision : 31.07.2020.

Rajesh Kumar @ Babbu

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.207 dated 22.12.2017 under Sections 22, 61 and 85 of the NDPS Act, registered at Police Station City Malout district Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the allegations against the petitioner are that 40 injections of 'Buprenorphine' each containing 2 ml. were recovered from him. He also contends that the petitioner is HIV(+ve); he is in custody for more than two and a half years and is not involved in any other case under the NDPS Act. He has referred to the affidavit filed by the Deputy Superintendent, Central Jail, Faridkot in his application for interim bail wherein it was mentioned that the petitioner is HIV(+ve) and is being treated at ART Centre at Central Jail, Faridkot.

Learned State counsel, upon instructions from ASI Jarnail Singh, contends that the petitioner is in custody for 02 years, 05 months and 06 days and 06 out of 15 prosecution witnesses have been examined. He also contends

that although there is no case against the petitioner under the NDPS Act but he has been convicted in one case under the Gambling Act. He has referred to the affidavit of the Deputy Superintendent, Central Jail, Faridkot wherein it was mentioned that the petitioner is HIV(+ve).

Heard through video conferencing.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is in custody for about two and a half years; he is HIV(+ve); he is not involved in any other case under the NDPS Act; the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

July 31, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No