

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

CRM-M-54913-2019(O&M)

Date of decision : 14.10.2020

Manjinder Singh @ Johny

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.38 dated 10.06.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Aur, District SBS Nagar (Punjab).

The petitioner was apprehended by the police on 10.06.2019 and from his possession 16 injections of Buprenorphine Hydrochloride 2 ml each were recovered without any license or permit. Six other unlabelled injections were recovered, which were later also found to be of Buprenorphine Hydrochloride. The quantity hence recovered is commercial in nature.

Learned counsel for the petitioner has contended that the petitioner is suffering from the Human Immunodeficiency Virus (HIV) and the said fact was noticed in the order dated 24.09.2020 and the status report was called regarding the health of the petitioner.

Status Report along with the Medical Certificate has been filed by the State Counsel wherein it has been stated that the petitioner is a known case of HIV Infection and he is on ART treatment since 29.08.2020 vide IF No.10991 and he has been put on a high protein diet. He has further been prescribed medicines during his routine visit to the Jail Hospital and, presently, his condition is satisfactory.

Keeping in mind the commercial quantity recovered and the fact that the petitioner's condition is satisfactory and he is being well taken care of medically, I do not find this to be a fit case for grant of regular bail to the petitioner. Hence, the present petition is dismissed.

However, it is made clear that any observation made herein shall not be deemed to be an expression of opinion on the merits of the case.

14.10.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO