

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

**CRM-M-2032-2021 (O&M)
Date of decision: 25.03.2021**

Maninder Pal

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Aarti Kaur, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 78 dated 08.08.2019 registered under Section 22 of the NDPS Act, at Police Station Kathgarh, District SBS Nagar.

Learned counsel for the petitioner contends that the petitioner and co-accused were travelling on a motor-cycle and the recovery of 17 injections of Buprenorphine (Leegesic) 2 ml. each, and 17 injections of Avil 10 ml. each, had allegedly been effected from the petitioner; that the petitioner has been in custody since 08.08.2019, and that co-accused, namely, Manpreet Singh, has since been enlarged on bail by this Court, though not apprehended at the spot and indicted on the disclosure statement of the present petitioner.

It is further contended that the petitioner is an HIV+ patient and there is no other case against him.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the contraband recovered from the petitioner, which he was holding in a green envelop in his right hand, falls under the commercial quantity. However, he does not dispute the factum of the custody period of the petitioner and that co-accused Manpreet Singh has already been enlarged on regular bail. He further submits that out of 15 prosecution witnesses, only 7 have been examined so far.

The reply by way of affidavit dated 17.03.2021 of the Deputy Superintendent of Police, Balachaur, District SBS Nagar, already filed in the Registry, is taken on record.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 08.08.2019. The petitioner is an HIV+ patient. Moreover, co-accused is already on regular bail. There is no other case against the petitioner. The trial is at the stage of evidence, which will take time to conclude. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on her/his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

25.03.2021

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No