

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-9451-2020 (O & M)
Date of Decision: February 25, 2021**

SURAJ BHAN

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.S.P.S. Chakkal, Advocate for
Mr. Simranjeet Singh Sarwara, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.155 dated 19.11.2019, under Section 22 of the NDPS Act, registered at Police Station Shambu, District Patiala.

Learned counsel for the petitioner contends that recovery of 960 tablets of Lomotil (Disphenoxylate), 25 injections of Buprenorphine (2 ml. each) and avil tablets was allegedly effected from the petitioner. The possession of Avil would not constitute an offence under the NDPS Act. The petitioner is suffering from HIV positive as well as HCV positive and is under medical treatment. The petitioner is not involved in any other case.

In terms of the previous order of this Court, learned State counsel has filed an affidavit of Superintendent, Central Jail, Patiala wherein it is stated that the petitioner was examined by the Medical Officer of Central Jail, Patiala and as per report of the Medical Officer of Central Jail, Patiala, diagnose of the petitioner is as under:-

“Patient is a known case of HIV on ART (Anti Retroviral Therapy) with ART No.10423-PB Patiala started on 29.11.2019. Patient was i.v drug abuser. Patient was detected HCV Positive on 23.05.2020 and was given HCV Treatment and completed. Patient went on interim bail for 05 months and came back to Central Jail Patiala on 20.02.2021. No fresh complaint. All the medicines are provided by the Jail Hospital.”

He has filed the custody certificate which indicates that the petitioner is in custody for over 08 months since his arrest on 19.11.2019 as he had also been released on interim bail for a period of 06 months. He upon instructions from Inspector Nahar Singh submits that charges have been framed but no prosecution witness has been examined.

In view of the medical condition of the petitioner, he is not involved in any other case under the NDPS Act, 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 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

February 25, 2021
A.Kaundal

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