

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

**CRM-M-23132-2021 (O&M)
Date of decision: 01.11.2021**

Sonu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Johan Kumar, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

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.426 dated 17.12.2020 under Section 22C of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 18C and 18A of the Drugs and Cosmetics Act, 1940, registered at Police Station Kheripul, Faridabad.

Copy of reply by way of affidavit dated 01.09.2021 of the Deputy Superintendent, District Jail, Faridabad, submitted by the learned State counsel through email, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Even as per the FIR, the petitioner

is handicapped and is also an HIV⁺ patient. He has been operated upon on his right thigh but now due to septic and the jail authorities are getting his treatment. The petitioner has been in custody since 17.12.2020. There is no other case against the petitioner.

Learned State counsel, on instructions from ASI Bijender, submits that the recovered contraband falls under the commercial quantity. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that out of 14 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 17.12.2020. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would taken a long time. Moreover, the petitioner is a handicapped person and is also HIV⁺. There is no other case against the petitioner. Hence, 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 his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

01.11.2021
Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No