

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

CRM-M-19456 of 2020

DATE OF DECISION :- February 19, 2021

Deepa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Harkirat Singh Bhogal, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Deepa, aged about 28 years, son of Sucha Ram, resident of Ward N. 12 BDO Colony, Mahilpur, District Hoshiarpur, an accused in F.I.R No. 33 dated 30.4.2018 under Section 22 of the NDPS act registered with Police station Mahilpur, District Hoshiarpur.

Briefly stated the facts of the case as per prosecution story are that on 30.4.2018, when apprehended by police party in the area of Phagwara Road Mahilpur towards Village Nangal Khurd, petitioner accused Deepa going on a motorcycle was found in possession of contraband in the form of 55 grams of intoxicant substance. He was accordingly arrested in this case. Formal F.I.R was registered and investigation in the case started.

The petitioner had filed an application for grant of regular bail. He was released on bail on 17.7.2018, however, he was again admitted in the jail on 24.1.2019. The petitioner is seeking bail mainly on health ground stating that he is suffering from HIV and Black Jaundice and no proper medical facilities are there in Central Jail, Hoshiarpur, as such his health is deteriorating. Though he was

granted bail by Sessions Judge, Hoshiarpur since FSL report had not been received in the case but after receipt of the report, he has been taken into custody for the reason that the contraband recovered amounts to commercial quantity. He is praying for bail. The request is being opposed by the State.

As per reply filed by the State there is reference to medical health status report of petitioner given by medical officer of the jail, which is to the following effect :-

“The patient is HIV positive. The patient is not suffering from HCV (Hepatitis-C Virus) Black Jaundice. The patient Deepa has been put under treatment of antiviral therapy of HIV (Aids). His General condition is good and he is well oriented to time and space.”

In view of such report, the claim of the petitioner that he is suffering from HCV (Hepatitis-C Virus) Black Jaundice stands disproved. It also comes out that his general condition is good and he is getting treatment of antiviral therapy of HIV Aids. Thus his allegations that his health is suffering on account of non availability of adequate medical facilities in the jail comes out to be wrong. The petitioner is getting adequate medical treatment in the jail and the contraband recovered from him comes within commercial quantity attracting bar of Section 37 of the NDPS Act.

There is no ground to grant regular bail to the petitioner. The petition so filed by him is bound to fail and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

February 19, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No