

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

1. CRM-M-27284-2020

Mandeep Kumar @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-30069-2020

Jabarveer Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 09.03.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Arti Kaur, Advocate
for the petitioner in CRM-M-27284-2020.

Mr. Dinesh Nagar, Advocate
for the petitioner in CRM-M-30069-2020.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 439 of the Code of
Criminal Procedure, is for grant of regular bail to petitioners Mandeep
Kumar @ Mani and Jabarveer Singh in case FIR No. 99 dated 07.10.2019,
registered under Section 22 of the Narcotic Drugs & Psychotropic

Substances Act, 1985 at Police Station Sadar Kathgarh, District S. B. S. Nagar.

Learned counsel for the petitioner submits that petitioner Mandeep Kumar @ Mani was apprehended and a recovery of 75 intoxicant injections of *Buperonorphine Leegesic* of 2 ml each was effected.

Learned counsel further submits that petitioner Mandeep Kumar @ Mani is not involved in any other case and he is in judicial custody for the last about one year and four months and he is diagnosed with HIV (positive).

Learned counsel further submits that challan stands presented, however, no prosecution witness has been examined so far.

Learned counsel, appearing for petitioner Jabarveer Singh, submits that petitioner was nominated subsequently on the disclosure of aforesaid co-accused Mandeep Kumar @ Mani and he was arrested on 14.08.2020 and after his arrest, nothing was recovered from him.

Learned counsel for the petitioner further submits that even against petitioner Jabarveer Singh, challan stands presented, however, conclusion of trial is likely to take a long time as no prosecution witness has been examined so far.

Learned State counsel has filed affidavit of the Superintendent, Central Jail, Ludhiana along with report of the Medical Officer and the custody certificates of both the petitioners.

A perusal of the aforesaid affidavit shows that the Medical Officer, Central Jail, Ludhiana has certified that petitioner Mandeep Kumar @ Mani is a known case of HIV infection for which he is on ART treatment from Civil Hospital, Ludhiana since 04.11.2019.

Learned State counsel, on the basis of the custody certificates, has not disputed the fact that petitioner Mandeep Kumar @ Mani is in judicial custody for the last about one year and four month and similarly, petitioner Jabarveer is in judicial custody for the last about six months.

Learned State counsel submitted that petitioner Jabarveer Singh is involved in one more case under the provisions of IPC, however, he is not involved in any other case under the NDPS Act.

Learned State counsel has also not disputed that no prosecution witness has been examined so far as a supplementary challan was presented on 10.02.2021.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the health conditions as well as long custody of petitioner Mandeep Kumar @ Mani and also in view of the fact that petitioner Jabarveer Singh was nominated on the disclosure of petitioner/co-accused Mandeep Kumar @ Mani and he is not involved in any other case under the NDPS Act and subsequent to his nomination in the present case, no recovery was effected from him, the instant petitions are allowed. Petitioners Mandeep Kumar @ Mani and Jabarveer Singh are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

09.03.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No