

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2616-2021 (O&M)

Date of Decision:-19.9.2022

Gurwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurinder Singh Hayer, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Ashok Kumar.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail mainly on his medical grounds in respect of a case registered vide FIR No.306, dated 26.11.2019, Police Station City Muktsar, District Sri Muktsar Sahib, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The case of the prosecution, in nutshell, is that the petitioner was found in possession of 2480 tablets of Clovidol-100SR containing '*tramadol hydrochloride*', which falls within the category of 'commercial' quantity.
3. Vide order dated 27.4.2021, this Court had directed the State to furnish a report as regards the alleged medical ailment of the petitioner and also as regards the treatment being made available to him.

4. Reply has been filed by learned State counsel accompanied by a report of Medical Officer, Jail Hospital, Faridkot, which is taken on record. The contents of the said report reads as follows:

“It is submitted that UT Gurvinder Singh s/o Gurbachan Singh is known case of HIV infection and HCV infection. Patient has a history of iv drug abuse for past 03 years. Patient is currently receiving anti-retroviral therapy (ART) for the HIV infection from Jail Hospital, Faridkot.

Patient also complains of chronic pain in abdomen for which he was receiving symptomatic OPD based treatment at the Jail Hospital as per on duty medical officers.

On 31.08.2022 referral to Civil Hospital, Faridkot was done for the above complaints for further investigations and management. On examination by specialist doctor he was advised (i) Xray abdomen (2) ECG and (3) Ultrasound abdomen.

For the USG abdomen patient was taken to Guru Gobind Singh Medical College, Faridkot on 31 August, 2022 which suggested splenomegaly.

For treatment purpose the patient was advised admission at the Civil Hospital, Faridkot by the doctor on duty which was refused by the patient for personal reasons. So presently he is being treated on OPD basis within the jail hospital, Faridkot. Currently the patient is conscious well oriented to time, place and person and in stable medical condition.”

5. Learned State counsel, upon instructions from ASI Ashok Kumar, has informed that the petitioner as on date has been behind bars since the last 2 years and 10 months. As per the custody certificate filed by learned State counsel in the Court on 11.7.2022, the petitioner is not stated to be involved in any other case.

6. Keeping in view the fact that the petitioner has been behind bars for a substantial period of 2 years and 10 months and is having some medical ailments and otherwise has a clean record, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.9.2022
pankaj

(Gurvinder Singh Gill)
Judge

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