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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.22955 of 2021 (O&M)

Date of decision: 26.05.2022

Ranjit Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.11 dated 29.01.2021, registered under Section 22/61/85 of the NDPS Act, at Police Station Sadar Rajpura, District Patiala.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of ASI Roshan Kumar, while on petrol duty, they were checking the vehicles on the main highway and stopped a bus. 02 persons got down from the back side of the door of bus and started walking backwards, carrying a black colour polythene bag. On suspicion, they were apprehended and the first person disclosed his name as Ranjit and the second one disclosed his name as Paramjit @ Pamma. Thereafter, they were given notice under Section 50 of the NDPS Act and the information was sent to the Police

Station. Later on, 50 injections of Buprenorphine were recovered from the petitioner. It is further submitted that the petitioner is a first offender and as on today, he is in custody for the last 01 year, 03 months and 23 days and out of 09 PWs, only 03 PWs have been examined so far. Lastly, counsel for the petitioner has submitted that the petitioner is a HIV positive as well as HCV positive.

Counsel for the State on the basis of the Custody Certificate as well as the reply on behalf of Superintendent, Central Jail, Patiala, has not disputed the factual position but opposed the prayer for bail.

It is stated in the affidavit of the Superintendent, Central Jail, Patiala, along with the report of Medical Officer, as under:-

“In reference to above said subject UT Ranjit Kumar son of Babu Lal was examined. He was conscious oriented to time, place and person at the time of examination. His vitals were stable. As per his record patient is HIV positive his treatment car for HIV was transferred to district Patiala from Ludhiana vide pre-ART registration number 13640 on 08.11.2021 (photocopy of record attached). His treatment is currently ongoing. He is also HCV positive. His treatment was started on 04.02.2022. Vide VID 6840. His follow up is due on 01.08.2022 (photocopy of record attached).”

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 03 months and 23 days; the petitioner is a patient of HIV positive and HCV positive; he is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is

directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

26.05.2022
yakub

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No