



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

CRM-M-7089-2024

Date of Decision : **09.08.2024**

GURPIAR SINGH @ AKASH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Pardeep Kumar Kapila, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.60, dated 03.11.2022, (Annexure P-1), under Sections 22(b), 25 and 27 of the NDPS Act, 1985, registered at Police Station Jaurkian, Mansa.

2. Primarily the ground on which the regular bail is sought is the medical condition of the present petitioner. Therefore, vide order dated 29.07.2024, this Court had directed the State to file a reply to the present petition, as well as to place on record the medical status report of the petitioner.

3. In compliance to the direction (*supra*), learned State counsel has filed a status report, dated 05.08.2024, by way of an affidavit of Sh.Kamaljit Singh, DSP, Sub-Division, Sardulgarh, District Mansa, and also the custody certificate *qua* the petitioner, which are taken on record.

Besides that he has also filed a short reply dated 07.08.2024, by way of an affidavit of Sh.Iqbal Singh Brar, Superintendent District Jail, Mansa alongwith a medical status report, disclosing therein the medical status of the present petitioner, which is also taken on record.

4. What surfaced from the perusal of the record that the petitioner alongwith co-accused-Sukhjinder Singh *alias* Gora, was arrested while carrying 170 intoxicant tablets, which was subsequently declared to be 'Etizolam', and total weight thereof, comes out to be 31.57 grams, which undoubtedly falls within the ambit of commercial quantity.

5. The medical status report (*supra*), reflects that the petitioner is a known case of HIV and as on date he is put on ART treatment.

6. A perusal of the custody certificate of the petitioner reveals that the petitioner has suffered incarceration of 1 year 9 months 3 days as on today, and he is not involved in any other criminal case.

7. Learned State counsel informs this Court, on instructions imparted to him by the police official concerned, that out of 14 prosecution witnesses cited by the prosecution, only 7 witnesses have been examined till date and next date before the learned trial court concerned is 14.08.2024 for recording of remaining prosecution witnesses.

8. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file, and is of the view that the petitioner deserves to be released on regular bail for the reasons hereinabove stated:

- i) considering the medical condition of the petitioner, i.e. HIV(+) and he has been put on ART treatment, and further incarceration would be prejudicial to his health;
- ii) the petitioner has suffered incarceration of 1 year 9 months and 3 days as on today, he is a first offender;
- iii) the trial in the instant FIR has only travelled half way, therefore the conclusion of trial would take a long time;

In view of the above reasons, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

10. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

August 09, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No