



CRM-M-13229-2024

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

CRM-M-13229-2024

Date of decision: 22.07.2024

Sandeep Kumar alias Deepa

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Prikshit Thakur, Advocate for the petitioner.
Ms. Avneet AAG, Punjab.

GURBIR SINGH, J (ORAL)

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0015, dated 03.03.2022, under Section 22 of NDPS Act registered at Police Station Balachour, District SBS Nagar.

2. As per the case of the prosecution, on seeing police party, the petitioner threw the transparent polythene which he was carrying in his right hand at the kaccha path near the bushes of cremation ground. He was apprehended from the back. 200 intoxicating tablets were recovered from the polythene bag. The average weight of each tablet is 120 mg. The ingredients present in the said tablets is Buprenorphine Hydrochloride. The total weight of the contraband recovered from the petitioner comes out to be 24 grams.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR. He is having poor health and is HIV positive. The petitioner is in custody since 03.03.2022 and has already undergone 02 years 04 months 16 days as on date today.



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4. Custody certificate has been filed and the same is taken on record. Learned State counsel, while opposing the bail petition on the ground that the contraband recovered is of commercial quantity, has fairly admitted that the petitioner is HIV positive and has already undergone 02 years 04 months and 16 days as under trial. Referring to the custody certificate, she has also apprised this Court that in the other case, in which the petitioner was convicted, he has been released on 03.05.2023.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the paper book.

6. Considering the fact that petitioner is in custody since 03.03.2022 and has already undergone 02 years 04 months 16 days as on date today, completion of trial will take long time and petitioner is HIV positive so this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Duty Magistrate.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

July 22, 2024

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No