



OUT TODAY

ITEM NO.25

COURT NO.17

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 2225/2022

(Arising out of impugned final judgment and order dated 03-02-2022 in DBCRMSB(SOS)A No. 725/2021 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

BHAWANI SINGH

Petitioner(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

(FOR ADMISSION and I.R. and IA No.34216/2022-EXEMPTION FROM FILING O.T. and IA No.34215/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ ANNEXURES )

Date : 11-04-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. K.V. Viswanathan, Sr. Adv.  
Mr. Rishabh Sancheti, Adv.  
Ms. Padma Priya, Adv.  
Mr. Anchit Bhandari, Adv  
Ms. Saloni Bhandari, Adv.  
Ms. Racheeta Chawla, Adv.  
Mr. K. Paari Vendhan, AOR

For Respondent(s) Mr. Vishal Meghwal, Adv.  
Ms. Padma Lakshmi Iyengar, Adv.  
Mr. Milind Kumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Pursuant to the direction issued on last occasion, the State has filed counter affidavit enclosing copy of the report by the Medical Board which examined the petitioner.

The medical report inter alia states as follows:



"Patient have severe dyspnoea at rest and unable to walk without support. Due to immune compromised he is at risk of having repeated infection unhygienic condition. Patient requires regular treatment and follow up."

Having regard to the peculiar circumstances of the case given that the petitioner is suffering from HIV and appears to be immuno compromised, this Court is of the opinion that a case for grant of bail is made out.

In the circumstances, the petitioner shall be enlarged on bail subject to such terms and conditions imposed by the Trial Court.

In addition to the usual conditions, the concerned court shall also impose appropriate conditions with regard to the periodic reporting by the concerned petitioner at the concerned Police Station, since several cases are pending against him.

The petitioner is entitled to be given the benefit under Section 34(2) of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 of expeditious disposal of his appeal. The provision reads as follows:

"34 ...

...

2 In any legal proceeding concerning or relating to an HIV-positive person, the court shall take up and dispose of the proceeding on priority basis."

The High Court shall take appropriate steps to bear and dispose of the petitioner's appeal at its earliest



convenience. Further, the petitioner is at liberty to claim  
anonymization of the records, to suppress his identity in  
accordance with law.

The SLP is disposed of accordingly.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(ANJU KAPOOR)  
BRANCH OFFICER