

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

CRA-S-No. 1161-SB OF 2004
DATE OF DECISION : 1st JULY, 2015

Mohinder Singh @ Binder Singh

.... Appellant

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. O. P. Kamboj, Advocate for the appellant.

Mr. Yogesh Gupta, Assistant Advocate General, Punjab.

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SURINDER GUPTA, J. (ORAL)

Heard.

The appellant faced trial for offence punishable under Section 15 of the NDPS Act in case bearing FIR No.162 dated 29.08.2000, on the allegation that on 29.08.2000 he was apprehended by the police of police station Sadar Abohar and recovery of 5kg 500 gms poppy husk was effected from his possession. The charge framed against him was duly proved and he was convicted and sentenced to undergo rigorous imprisonment for two years and to pay fine of ₹1,000/- and in default of payment of fine to further undergo rigorous imprisonment for three months.

Learned counsel for the appellant has confined his argument only with regard to the quantum of sentence awarded to the appellant without challenging his conviction for offence punishable under Section 15 NDPS Act. He submits that the accused was a young boy aged about 27

years at the time of incident. He had already undergone more than six months of imprisonment and has prayed for reduction in sentence awarded to him for the period already undergone by him.

Custody certificate filed by the learned State counsel in Court is taken on record.

Learned State counsel has argued that besides this case the appellant was also required in another case bearing FIR No.132 dated 08.08.2002 for offence under Section 15 NDPS Act registered at Police Station Khuian Sarwar. However, he is not aware of the fate of that case.

Keeping in view the age of the appellant, which is mentioned as 27 years in the headnote of the judgment and the quantity of recovery and the fact that he has already undergone imprisonment of six months and one day as per the custody certificate dated 30.06.2015 produced on file today, I am of the considered opinion that the awarding of sentence already undergone by the appellant will serve the ends of justice.

In view of the above the conviction of the appellant for offence punishable under Section 15 of the NDPS Act is maintained. However, the sentence awarded to him is modified to the extent already undergone by him.

Disposed of accordingly.

1st July, 2015
'raj'

(SURINDER GUPTA)
JUDGE