

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. S-1213-SB-2004

Date of decision: May 13, 2015

Gurpeet Singh

.. Appellant

Vs.

State of Punjab

.. Respondent

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. Gaurav Sharma, Advocate for the appellant.
Mr. Amritpal Singh Gill, AAG, Punjab.

Surinder Gupta, J

Learned counsel for the appellant submits that he does not challenge the conviction of the appellant for offence punishable under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985. He was sentenced to undergo rigorous imprisonment for six months and to pay fine of ₹2,000/-. He has made limited request for reducing the sentence of the appellant to already undergone by him.

In view of the submissions of learned counsel for appellant, the conviction of the appellant has recorded by the trial court is upheld.

As per prosecution case, 10 grams of smack was recovered from the appellant. The trial court has awarded him sentence of rigorous imprisonment of six months and to pay fine of ₹2,000/-. As per custody certificate produced on record, the appellant had undergone four months and twenty-three days of imprisonment at the time of his release on 9.7.2004 when his further sentence was suspended. The appellant was a boy of 21 years of age, having no adverse antecedents.

Keeping in view the above facts, this appeal is partly accepted and the sentence awarded to the appellant is modified and reduced to the period already undergone. He will, however, deposit the fine within 15 days failing which he be arrested and taken in custody to undergo period of sentence awarded to him in default of payment of fine.

May 13, 2015

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**(Surinder Gupta)
Judge**