

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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Crl. A No. 52-SB of 2004

Date of decision : January 21, 2015

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Paramjit Singh

.....Appellant

Versus

The State of Punjab

.....Respondent

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. G.C Shahpuri, Advocate for the appellant.

Mr. Gurveer Sidhu, AAG, Punjab.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

This criminal appeal has been filed against the judgment dated 20.12.2003 passed by the Special Judge, Fatehgarh Sahib, whereby the present appellant-accused, Parmajit Singh was convicted under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') and sentenced to undergo rigorous imprisonment for a period of 4 years and was further ordered to pay a fine of Rs. 2000/-. In default of payment of fine, the appellant was further directed to undergo rigorous imprisonment for a period of 2 months.

As per the prosecution story, ASI Vijay Singh, CIA Staff,

Sirhind along with police party had gone for patrolling and checking of suspicious elements on private scooters and were proceeding on G.T Road, Sirhind towards Jalla Saunda via Tarkahan Majra. When the police party reached village Tarkhan Majra, one person namely Narinder Kumar son of Piare Lal caste Pandit resident of Harnam Nagar, Sirhind was associated with the police party. At about 1:00 P.M (noon) when the police party was about 10 yards short of Nirwana Branch Bridge, on Sirhind Canal, then one young man was noticed on the bank of canal towards the direction of Sirhind who was standing about 10 yards away from road towards eastern side of road along with his silver coloured Vespa Scooter and was tending to some "leather coloured substance", which was lying on a newspaper on seat of the scooter. The said scooter bore registration No. PB-23-B/9045. The said person, on noticing the police party became perplexed and immediately wrapped the substance lying on the newspaper and tried to escape towards the village. ASI, Vijay Singh on the basis of suspicion apprehended the said man with the assistance of accompanying officials. The said man on enquiry disclosed his name as Paramjit Singh son of Jarnail Singh resident of Tarkahan Majra, Police Station Sirhind. ASI, Vijay Singh on account of suspicion unwrapped the newspaper which he was holding in his hand and checked the substance which had been wrapped in the said newspaper and found the same to be "charas". The said person could not produce any licence or permit to justify the possession of the same. Two samples weighing 10 gms each of charas were

separated and were put into match boxes and were prepared into parcels. The remaining charas on weightment was found to weigh 220 gms which was separately prepared into a parcel. The sample parcels weighing 10 gms each and the parcel containing remaining charas weighting 220 gms, were duly sealed with the seal of ASI, Vijay Singh bearing impression vs. Specimen seal was separately prepared. Seal after use was entrusted to ASI Malkiat Singh. Case property was taken into police possession. In this background, FIR was registered.

Learned counsel for the appellant, during the course of arguments does not challenge the conviction of the appellant under Section 20 of the NDPS Act on merits but he has submitted that the sentence qua imprisonment of the appellant may be reduced to the period already undergone by him. As per the case of the prosecution, 240 gms. of charas was recovered from him without any licence or permit. As per entry 23 of the Schedule of the NDPS Act, quantity of more than 1 Kg is commercial quantity. The recovery has been less than the commercial quantity. The appellant has undergone one year and one month and six days in custody out of 4 years. He has faced two criminal trials in FIR No. 52 dated 13.8.2003 registered under Sections 379 IPC at Police Station Ghanour and FIR No. 219 dated 6.9.2002 registered under Sections 323, 324, 148, 149 IPC at Police Station, Sirhind. He was released on bail on 6.8.2004. Thereafter he has not misused the concession of bail nor involved in any other complaint under the NDPS Act.

Having examined the impugned judgment, no illegality, much less irregularity has been found therein warranting interference by this Court. Accordingly, it is upheld. However, a lenient view can be taken on the quantum of sentence of the appellant.

Keeping in view the fact that the appellant has faced a criminal trial for almost 12 years, the sentence of the imprisonment awarded to the appellant is reduced to the period already undergone. However, the fine shall be deposited by him within a period of two months from today, failing which the appeal shall stand dismissed.

With the above modification, the appeal stands disposed of.

January 21, 2015
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(**RITU BAHRI**)
JUDGE