

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S No.1738-SB of 2010(O&M)

Date of decision: 25.02.2015

Chiman Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.M.S.Sidhu, Advocate for the appellant
Mr.Ashish Sanghi, DAG Punjab

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?*

Kuldeep Singh, J. (Oral)

Appellant Chiman Singh has filed this appeal against the judgment and order dated 13.7.2010, passed by learned Special Judge, Ferozepur, vide which the appellant was convicted under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo RI for five years and pay fine of Rs.50,000/-, in default thereof, further RI for one year.

In nutshell, the prosecution story is that on 31.10.2004, a police party headed by SI Rajesh Hastir received secret information that present accused along with co-accused Maur @ Maura Singh (since proclaimed offender) are bringing poppy husk in jeep bearing registration No.HR 23-A-8905. Accordingly, FIR was got registered. Picketing was done. Jeep was stopped. Maur @ Maura Singh was driving the jeep. Both the accused fled away from the spot. But before running, they were calling each other by name. Accused Maura Singh called Chiman Singh run away and Chiman Singh accordingly called

Maura Singh. From the jeep, two bags containing 24 kgs. each poppy husk, total 48 kgs. were recovered.

During investigation, the present appellant along with co-accused Maura Singh was arrested. However, later on during trial Maura Singh was declared proclaimed offender. Accused did not plead guilty.

After recording the prosecution evidence, statement of the accused under Section 313 Cr.P.C. was recorded and after giving opportunity of defence to the accused, the trial Court, after hearing both the parties, convicted and sentenced the accused as aforesaid.

Custody certificate filed in Court is taken on record. It shows that till date, the appellant has undergone the actual sentence of 4 years 3 months and 18 days. Accused is still in custody.

Learned counsel for the appellant has argued that in this case the recovery is non-commercial. Recovery is from two persons. Therefore, leniency in the sentence may be shown.

Learned State counsel has opposed the prayer made by learned counsel for the appellant.

Therefore, keeping in view the recovery, period already undergone by the appellant during trial and after conviction, sentence of imprisonment of the appellant is reduced to the period already undergone by him. The fine is reduced from Rs.50,000/- to Rs.5,000/-.

With this modification, the appeal is dismissed.

The appellant/ accused be set at liberty forthwith, if not required in any other case on the payment of Rs.5000/- as fine.

25.02.2015

gk

**(Kuldip Singh)
Judge**