

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

**Criminal Appeal S-823-SB of 2010
Date of Decision: October 30, 2015**

Baldev Singh

.....Appellant

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : None for the appellant.

Mr. Vikram Bishnoi, Asstt. A.G., Punjab..

T.P.S.MANN, J. (Oral)

The appellant has filed the present appeal for challenging the judgment and order dated 3.3.2010 passed by the learned Special Judge, Faridkot, whereby, he was convicted under Section 61 of the Punjab Excise Act and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.2,000/- and in default of payment of fine, to further undergo imprisonment for one month.

As per the prosecution, the appellant and Partap Singh, since dead, were apprehended by ASI Sucha Ram on 9.5.2007 on suspicion. One plastic can containing liquid bhang measuring four litres besides one Koonda (pot made of earth)

and Ghotna (wooden crusher) was recovered from them. Six bags, each containing five kgs of dried bhang which were lying near them were also recovered.

It may be worthwhile to mention here that as the appellant was on bail during the trial of the case and was sentenced to undergo imprisonment for one year only, the trial Court vide order dated 3.3.2010 suspended his sentence of imprisonment till 2.4.2010 and released him on interim bail so as to enable him to file an appeal against his conviction and sentence. He was also directed to appear before the said Court on 2.4.2010. The appellant filed present appeal on 29.3.2010 which came up for preliminary hearing on 30.3.2010, when after hearing learned counsel for the appellant, the same came to be admitted. Notice was, however, issued on his application for suspension of his sentence. The said application was disposed of by this Court on 1.4.2010 by making the order dated 3.3.2010 as absolute subject to the appellant furnishing fresh bail bonds before the trial Court within a period of twenty days. However, the appellant did not furnish bail bonds as was required of him by this Court vide order dated 1.4.2010. Ultimately, on 11.11.2013, he was taken into custody for undergoing the remaining sentence of imprisonment imposed upon him. The appellant, then filed a miscellaneous application for permission to furnish the bail bonds

in view of order dated 1.4.2010 passed by this Court. The said application came up for hearing on 9.12.2013, when notice was issued. The Court directed the State counsel to file the custody certificate. Simultaneously, the Court suspended sentence of imprisonment of the appellant and directed him to furnish bonds to the satisfaction of the Chief Judicial Magistrate, Faridkot. On 22.5.2014, learned State counsel produced custody certificate dated 17/20.5.2014, wherein, it stood mentioned that the appellant had already been released from jail on 13.3.2014 on completion of sentence.

From the above, it is apparent that the appellant has already completed the entire sentence of imprisonment imposed upon him. Even, the fine of Rs.2,000/- had also been deposited before the trial Court on 3.3.2010. None has appeared on behalf of the appellant. It appears that as the appellant has already undergone the entire sentence of imprisonment and deposited the fine amount, he is not interested in pursuing the appeal.

The appeal is, accordingly, disposed of.

October 30, 2015
amit rana

(T.P.S. MANN)
JUDGE