

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRA-S-5002-SB-2014
Date of decision : 13.02.2015

Harmesh Singh

... Appellant

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Rajiv Verma, Advocate
for the petitioner.

Mr.Ankur Jain, AAG, Punjab

REKHA MITTAL, J.

The present appeal has been directed against the judgment of conviction and order of sentence dated 12.11.2014 passed by the Judge, Special Court, Patiala whereby the appellant has been convicted and sentenced for offence punishable under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the Act'), extracted hereinbelow:-

Name of Convict	Under Section	Sentence (R.I.)	Fine(in Rs.)	In Default (S.I.)
Harmesh Singh	18 of the Narcotic Drugs and Psychotropic Substances Act, 1985	6 months	5000/-	2 months

Counsel for the appellant fairly concedes that he does not assail the findings of the Court in regard to conviction of the appellant for the

charged offence. However, he may be heard on the quantum of sentence.

Counsel would submit that the appellant has faced trauma of criminal proceedings for the past more than 3 years. He remained in custody for about one month after his arrest and is behind bars since his conviction by the trial Court on 12.11.2014. The appellant has a family consisting of two children and parents and he is the only bread earner of his family. It is prayed that substantive sentence awarded to the appellant may be reduced to the period already undergone.

Counsel for the State would submit that there are no mitigating circumstances in favour of the appellant to reduce the sentence.

I have heard counsel for the parties and perused the records.

The criminal proceedings were initiated against the appellant with the lodging of FIR No.3 dated 09.01.2012. There is no other criminal case registered much less pending under the Act against him, in view of custody certificate filed in the Court. The appellant has suffered actual custody for a period of 4 months out of substantive sentence of 6 months.

Keeping in view cumulative effect of the facts and circumstances discussed hereinbefore, I am of the considered opinion that ends of justice would be served if substantive sentence of the appellant is reduced to the period already undergone.

The appeal stands disposed of in the aforesaid terms.

(REKHA MITTAL)
JUDGE

February 13, 2015.

DK