

CRA-S-826-SB-2015

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

**CRA-S-826-SB-2015 (O & M)
Date of Decision: 04.05.2015**

Harinder Singh

... Appellant (s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers 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 ?

Present: Mr. Gurinder Singh Goraya, Advocate,
for the appellant.

Mr. Anil Mehta, DAG, Haryana.

Paramjeet Singh, J. (Oral)

Appeal was admitted. The applicant-appellant moved CRM-5851-2015 for suspension of sentence. When the application came up for hearing on 27.04.2015, learned counsel for the applicant stated that main appeal may be decided on merit. The case was adjourned to today, LCR was summoned and it was made clear that main appeal would be heard for final disposal.

With the consent of learned counsel for the parties, main appeal is taken on Board for final hearing.

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Heard.

Present criminal appeal has been preferred by the appellant against judgment of conviction dated 19.01.2015 and order of sentence dated 21.01.2015 passed by the Special Judge, Kurukshetra whereby appellant has been convicted for the offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹10,000/-, in default, to further undergo imprisonment for three months.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Court below and in view of the ultimate prayer of the appellant seeking reduction in sentence.

Learned counsel for the appellant states that he is not pressing this appeal on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. Learned counsel for the appellant prays that the sentence of the appellant be suitably reduced as this criminal trial is hanging on his head like Damocle's sword for approximately 1½ years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the appellant has further submitted that FIR relates to the year 2013 and since then a period of more than 1½ years has elapsed. The appellant has suffered the ordeal of trial for this long period. Learned counsel for the appellant submits that appellant has already undergone imprisonment

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for approximately five months.

In view of the arguments advanced by learned counsel for the appellant, this Court is of the view that no useful purpose will be served by keeping the appellant behind the bars as the appellant had already faced ordeal for more than 1½ years. It is a fit case wherein sentence awarded to the appellant can be reduced to already undergone. Ordered accordingly. The impugned order of sentence and conviction stands affirmed with aforesaid modification. The appellant, who is stated to be in judicial custody, shall be released forthwith, if not required in any other case. However, if the amount of fine is not paid, the appellant will have to undergo default imprisonment for a period of three months as awarded by the trial Court.

With the observations made above, present appeal is disposed of.

The application also stands disposed of.

04.05.2015
parveen kumar

(Paramjeet Singh)
Judge