

CRA-S-889-SB of 2015

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

CRA-S-889-SB of 2015 (O&M)
Date of decision: 29.04.2015

Harpreet Singh

....Appellant

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: - Mr. Harkaran Singh, Advocate, for
Mr. B.S. Bhalla, Advocate, for the appellant.
Mr. K.S. Sidhu, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

Present criminal appeal has been preferred by the appellant against judgment of conviction and order of sentence dated 13.02.2015 passed by the learned Additional Sessions Judge, Amritsar, in a case arising from FIR No.36 dated 20.02.2012 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 whereby appellant has been sentenced to undergo rigorous imprisonment for a period of six months and to pay fine of Rs.5,000/-, in default of payment of fine to further undergo rigorous imprisonment for a period of one month for an offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act.

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

CRA-S-889-SB of 2015

reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

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 contends that recovery of contraband is non-commercial, marginally higher than small quantity. He prays that the sentence of the appellant be suitably reduced as this criminal trial is hanging on his head like damocle's sword for more than three years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel submitted that the appellant is first offender. Learned counsel for the appellant has further submitted that the complaint pertains to the year 2012 and since then a period of more than three years has elapsed. The appellant has suffered the ordeal for long period. Learned counsel for the appellant further contends that the petitioner has already undergone sentence for more than three months.

In view of the arguments advanced by learned counsel for the appellant, which have been noted above, this Court is of the view that no useful purpose will be served by keeping the appellant behind the bars further as the petitioner faced ordeal for more than three years. It is a fit case wherein sentence awarded to the appellant can be reduced to already undergone. Ordered accordingly. The impugned judgment of conviction and order of sentence and, including default clause, stand

CRA-S-889-SB of 2015

affirmed with aforesaid modification. It goes without saying that if the amount of fine is not deposited, the appellant will serve the default part of sentence.

With the observations made above, present appeal is disposed of with a direction that the appellant be released immediately, if not required in any other case.

(Paramjeet Singh)
Judge

April 29, 2015
R.S.