

Criminal Appeal No.S-2202-SB of 2016 (O & M)

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 220

Criminal Appeal No.S-2202-SB of 2016 (O & M)

Date of Decision: *August 12, 2016*

BALWINDER SINGH @ KALA

..... PETITIONER

VERSUS

STATE OF PUNJAB

..... RESPONDENT

...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

...

PRESENT: - Mr. Gaurav Sharma, Advocate, for the petitioner.

Mr. Rajpreet Singh Sidhu, Assistant Advocate General,
Punjab.

. . .

Jaspal Singh, J.

1. The instant appeal has been preferred by Balwinder Singh @ Kala challenging judgment/order dated May 10, 2016, passed by the Judge, Special Court, Sangrur, in case bearing FIR No.39, dated April 01, 2013, under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Chhajli. Vide judgment/order dated May 10, 2016, he was convicted and sentenced as under:-

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ANKUR GOYAL
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I attest to the accuracy and
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Name of Accused	U/s	RI	Fine (₹)	In default (R.I.)
Balwinder Singh @ Kala	15 of NDPS Act	06 Months	2,500/-	01 month

Aggrieved from the judgment passed by the trial court below appellant filed this appeal.

2. At the very outset of arguments, learned counsel for the appellant submits that he does not press the appeal qua conviction, however, the appellant be heard only qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant document(s)/evidence and is of the considered view that there is no scope for any interference in impugned judgment (s) as far as the conviction of the appellant under the aforesaid provisions of IPC is concerned. As such, the conviction of the appellant is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that appellant is facing the agony of protracted trial for more than 3 years & 4 months after registration of the instant case; is a poor person and is a sole bread winner of the family. Moreover, appellant has already suffered incarceration for a period of 04 months & 05 days, as is evident from custody certificate dated July 20, 2016. Thus, this court is of the considered view that a chance be given to the appellant to reform & improve himself; to become good responsible citizen/person.

5. Taking into consideration the aforesaid aspects of the case, though, conviction of the appellant is upheld but the sentence imposed upon him by the trial court is reduced to the period already undergone by him, with no change in fine clause.

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6. With the above modification in sentence, appeal stands dismissed.

CRM No. 20870 of 2016

The instant application for suspension of sentence is rendered infructuous since the instant appeal has been disposed of with modification in sentence imposed upon the appellant.

August 12, 2016
avin/ankur

(Jaspal Singh)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No