

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Appeal No.S-5293-SB of 2015 (O&M)
Date of Decision: January 21, 2016

Arwinder Singh alias Dogar

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gaurav Sharma, Advocate
for the appellant.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present appeal has been filed by the appellant against the judgment of conviction and order of sentence dated 09.09.2014 passed by learned Judge, Special Court (A), Gurdaspur, whereby he was held guilty and convicted and sentenced to undergo rigorous imprisonment for a period of one and half years and to pay a fine of ₹8,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of three months under Section 22 of the NDPS Act.

Notice of motion was issued and learned State counsel appeared and contested the appeal.

At the time of arguments, learned counsel for the appellant only argued on quantum of sentence and nothing has been argued

regarding conviction of the appellant. Learned counsel for the appellant contended that the appellant has already undergone 1 year 4 months and 18 days out of total sentence of 1½ years. He further contended that appellant is a poor person and only bread earner of the family. He next contended that the recovery from the accused-appellant falls under non-commercial quantity and he is suffering the criminal proceedings from 2009.

Keeping in view the fact that appellant is a poor person, only bread earner of the family and first offender and in view of the fact that the appellant is suffering from long protracted criminal proceedings for the last about seven years and the recovery of 105 grams of intoxicant powder falls under non-commercial quantity, the sentence of the appellant is reduced to the sentence already undergone by him. The sentence of fine is also reduced to ₹1000/- instead of ₹8000/- and in default of payment of fine, he is directed to undergo rigorous imprisonment for a period of one month.

Resultantly, the present appeal stands partly allowed.

Appellant Arwinder Singh alias Dogar, who is in custody, be released forthwith, if his custody is not required in connection with any other case, subject to payment of fine.

January 21, 2016
Vgulati

(INDERJIT SINGH)
JUDGE