

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

**CRA-S-104-SB-2017 (O&M)  
Date of Decision: February 28, 2017**

Anil Kumar

**.....APPELLANT(s).**

**VERSUS**

State of Punjab

**.....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr.Sandeep Arora, Advocate,  
for the appellant.

Mr.Ashish Sanghi, DAG, Punjab  
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**SURINDER GUPTA, J.(Oral)**

Heard.

The appellant was apprehended by the police of Police Station Division No.2, Jalandhar on 18.4.2013 and recovery of 500 grams of intoxicating powder which as per report of the Forensic Science Laboratory was found to be of Nitrazepam. The trial court awarded rigorous imprisonment for a period of 1½ years and to pay fine of ₹ 5000/- to the appellant.

Learned counsel for the appellant has confined his submission only with regard to the reduction of sentence awarded to the petitioner on the ground that he is not a previous convict and is only

breadwinner of the family. He further submits that out of the total sentence awarded to the petitioner, he has already undergone 9 months and 12 days as on 27.2.2017.

The recovery of contraband effected from the petitioner does not fall within the definition of commercial recovery.

On perusal of the paper book, I find that appellant is not a previous convict. Out of the sentence of one year and six months awarded to him, he has already undergone imprisonment of nine months twelve days.

Keeping in view the above facts, I am of the view that interest of justice shall be fully served if a lenient view regarding quantum of sentence is taken. Accordingly, this appeal is partly accepted. While maintaining the conviction of appellant for the offence punishable under Section 22 of the NDPS Act, the substantive sentence awarded to him is reduced from rigorous imprisonment for one year six months to rigorous imprisonment for one year.

( SURINDER GUPTA )  
JUDGE

February 28, 2017  
Paritosh Kumar

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|------------------------------------------|----------------------|
| <b><i>Whether speaking/reasoned:</i></b> | <b><i>Yes/No</i></b> |
| <b><i>Whether Reportable:</i></b>        | <b><i>Yes/No</i></b> |