

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

CRA-S-1237-SB-2017(O&M)
Date of decision:-13.12.2017

Paramjit Singh @ Pamma

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. H.S. Jakhal, Advocate
for the appellant.

Ms.Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.(ORAL)

Paramjit Singh @ Pamma, an accused in FIR No.26 dated 3.3.2014 for the offence under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as '**the Act**') registered with Police Station Bahav Wala faced trial by Judge, Special Court, Fazilka on the allegations that on 3.3.2014 in the area of village Dodewala, he was found in possession 1 kg 20 gms. of opium. He was arrested at the spot. After registration of the formal FIR, the matter was

investigated. After completion of investigation and other formalities, he had been challaned. After framing of charge for the offence under Section 18 of the Act, he faced trial, during the course of which, the prosecution adduced evidence. Thereafter, his statement under Section 313 Cr.P.C. was recorded. The accused did not lead any evidence in defence.

After hearing arguments, learned trial Court vide judgment and order dated 1.11.2016 convicted the accused for the offence under Section 18 of the Act and sentenced him to undergo rigorous imprisonment for two years and to pay a fine of ₹20,000/- and in default thereof to further undergo simple imprisonment for a period of three months.

Feeling dissatisfied with the said judgment of conviction and order of sentence, the accused has approached this Court by way of filing of the present appeal, which came up for hearing on 27.3.2017 when notice of the appeal as well as application for stay of recovery of fine was issued.

I have heard learned counsel for the appellant-accused-convict and learned Deputy Advocate General for the State of Punjab, besides going through the records.

At the very outset, learned counsel for the appellant stated that he does not challenge the impugned judgment on the point of conviction but has got submissions to make regarding sentence part. He has stated that the appellant is aged about 31 years; that he is a poor man and sole bread winner of his family and he has already undergone a period of 1 year, 4 months and 11 days out of total sentence of two years

imprisonment imposed upon him, as such, a lenient view in the matter be taken.

As per the custody certificate filed by the State counsel, these facts stand corroborated. The appellant is shown to be involved in another criminal case registered vide FIR No.7 dated 2.2.2015 under Section 18 of the Act, Police Station Arniwala wherein he is shown to be convicted and sentenced to undergo rigorous imprisonment for two months and fine of Rs.1,500/- and in default of payment of fine to further undergo rigorous imprisonment for one month.

Thus, considering the facts and circumstances relating to the appellant-convict narrated by the learned counsel for the appellant, the ends of justice would be squarely met if the appellant is sentenced to imprisonment already undergone by him, while in custody in the present case. However, the sentence regarding the fine part is kept as intact.

Therefore, the impugned judgment is upheld as regards conviction part qua the appellant. However, as far as sentence part is concerned, the same is modified and the appellant is sentenced to imprisonment already undergone by him as mentioned supra. However, the sentence regarding the fine part is kept as intact.

As such the appeal challenging the impugned judgment stands disposed of with above modification in sentence.

The appellant – Paramjit Singh @ Pamma, who is stated to be in custody is ordered to be released forthwith on payment of fine, if not required in any other case.

Since the main appeal has been disposed of, hence pending

miscellaneous application, if any, also stands disposed of having been rendered infructuous.

Necessary intimation be sent to the quarter concerned.

13.12.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : No / Yes

Whether reportable : No / Yes