

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-1293-SB-2017 (O&M)

Date of Decision: 02.05.2017

Gurcharan Singh @ Channa

...Appellant

VERSUS

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikram Sheoran, Advocate
for the appellant.

Mr. Jashanpreet Singh, AAG, Punjab.

SURINDER GUPTA, J.(Oral)

Appellant-Gurcharan Singh @ Channa was convicted by the trial Court for offence punishable under Section 21 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (later referred to as 'the NDPS Act') and was sentenced to undergo rigorous imprisonment for six months and to pay fine of ₹5000/-. In default of payment of fine he was ordered to undergo further rigorous imprisonment for a period of two months.

2. Case of prosecution, in brief, is that appellant was apprehended by Inspector Hardeep Singh, Incharge, CIA Staff, Moga on 01.11.2013 and recovery of 50 gms. of heroin was effected from his possession

3. Learned counsel for the appellant without challenging conviction of appellant has prayed for a lenient view regarding quantum of sentence stating that the appellant is a young man of 37 years of age and is not a previous convict. He is the only bread-winner of family. As per custody certificate produced by learned State counsel, appellant has undergone 3 months and 20 days of imprisonment as on 01.05.2017.

Learned counsel for appellant has requested for reducing the sentence awarded to the appellant to the period of imprisonment already undergone by him.

4. There is nothing on file to show that the appellant is a previous convict. Keeping in view the quantum of contraband recovered from the appellant, his age and antecedents, I am of the opinion that interest of justice will be fully served if substantive sentence awarded to the appellant is reduced from rigorous imprisonment for six months to rigorous imprisonment for four months.

5. As a sequel of my above discussion, this appeal is partly accepted. Conviction of appellant as recorded by the trial Court for offence punishable under Section 21 of the NPDS Act is upheld and substantive sentence awarded to the appellant is reduced from rigorous imprisonment for six months to rigorous imprisonment for four months. However, sentence of fine and the imprisonment awarded in lieu of non-payment of fine shall remain intact.

May 02, 2017

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No