

CRA-S- 3470-SB-2017 (O&M) and
CRA-S- 3486-SB-2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S- 3470-SB-2017 (O&M)
DATE OF DECISION :- November 17, 2017

MAHANT @ SANT ...Appellant

Versus

STATE OF HARYANA ...Respondent

CRA-S- 3486-SB-2017 (O&M)

SATNAM SINGH @ RAMU ...Petitioner

Versus

STATE OF HARYANA ...Respondent

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

Present:- Mr. P.S. Jammu, Advocate for the appellant
in CRA-S- 3470-SB-2017.

Mr. D.S. Virk, Advocate for the appellant
in CRA-S- 3486-SB-2017.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Accused Satnam Singh @ Ramu, aged about 24 years, Mahant @ Sant, aged about 23 years along with one Anil @ Inderjit aged about 24 years, all of them being accused in F.I.R. No. 348 dated 8.9.2014 for offence under Section 15/27-A of NDPS Act, 1985 registered with police station Sirsa Sadar were tried by Additional Sessions Judge, Sirsa vide judgment dated 7.9.2017 convicted accused Satnam Singh @ Ramu and Mahant @ Sant for offence under Section 15 of the NDPS Act and vide order dated 9.9.2017 sentenced

them to undergo rigorous imprisonment for six months each and to pay a fine of ₹1,000/- each and in default of payment of fine to undergo further rigorous imprisonment for fifteen days.

Feeling aggrieved, both the accused-convicts have approached this Court by way of filing separate appeals. The appeal filed by Mahant @ Sant came up for hearing on 28.9.2017 when it was admitted, whereas appeal filed by Satnam Singh @ Ramu was admitted on 3.10.2017. As requested by learned counsel for the appellants, the appeals are being taken up for final disposal.

Briefly stated the facts of the case as per prosecution story are that on 8.9.2014 a police party from Police Station Sirsa Sadar while on patrolling and crime detection duty was present near T-point Malekan spotted a motorcycle make Bajaj Pulsar coming from village Malwani side. It was being driven by Satnam Singh @ Ramu and the pillion rider Mahant @ Sant was carrying a plastic bag in his hand. On seeing the police party they tried to run away by turning back the motorcycle but were apprehended. The bag being carried by Mahant @ Sant was searched as per law and it was found to contain 3 Kg 300 gms of Poppy Husk. The investigating officer drew samples of 100 gms each therein for preparing sealed parcels thereof. The bag containing poppy husk was also converted into separate sealed parcel. The case property was taken into possession. Ruqa was sent to the Police Station on the basis of which formal F.I.R. was registered. During interrogation, accused Satnam Singh @ Ramu had disclosed that Anil @ Inderjit was supplier of the Poppy Husk which had been found in their possession. During the course of investigation a sample was sent to FSL and was found to be of poppy husk.

Anil @ Inderjit was arrested. After completion of investigation, accused were sent up to face trial. After complying with provision of Section 207 Cr.P.C. and going through the record Satnam Singh @ Ramu and Mahant @ Sant was charge sheeted under Section 15 of the NDPS Act, whereas Anil @ Inderjit was charge sheeted under Section 27-A read with Section 15 of the said Act. Accused pleaded not guilty and claimed trial. During the course of prosecution evidence, prosecution examined as much as nine witnesses. The statements of accused were recorded under Section 313 Cr.P.C. in which they denied the allegations of prosecution and pleaded innocence. They did not lead any evidence in defence. After hearing the arguments, accused Satnam Singh @ Ramu and Mahant @ Sant were convicted mentioned above whereas Anil @ Inderjit was acquitted of the charge framed against him. Both the convicts have filed the present appeals.

I have heard learned counsel for the appellants and learned State counsel besides going through the record.

I find there is no illegality or infirmity in the impugned judgment as regards the conviction part. The prosecution by examining PW 1 ASI Rajesh Kumar and PW3 EASI Raj Kumar has successfully proved recovery of 3 kg 300 gms of poppy husk from accused Satnam Singh @ Ramu and Mahant @ Sant on 8.9.2014 in the area of T-point Malwani Road, Malekan.

Learned counsel for the appellants could not point out anything which might have raised doubt in the mind of deposition of both witnesses of recovery.

On sample being sent to FSL vide report from FSL Madhuban it was found to be of poppy husk. Remaining evidence adduced corroborates the

prosecution version. Therefore, the trial Court was justified in convicting Satnam Singh @ Ramu and Mahant @ Sant under Section 15 of the NDPS Act and there is no reason to upset the said finding. Therefore, the impugned judgment is upheld as regards the conviction part. Regarding the sentence part, the trial Court has passed of sentence six months each upon both the convicts. From the custody certificate placed on file by learned State counsel, both the accused have undergone 3 months and 19 days of total sentence. The recovery effected from them is not on higher side. These accused-convicts are not shown to be involved in any other criminal case. They are of young age. Regarding Satnam Singh @ Ramu he has stated that he has got a family including old age parents to support them financially, whereas the other convict is also stated to be sole bread winner of the family.

I am of the view that ends of justice would be met if both the convicts are sentenced to imprisonment already undergone by them while maintaining the sentence as regards the fine part. The impugned judgment is modified accordingly. Both the appeals are disposed of in that manner. Necessary intimation be sent to the quarters concerned.

(H.S. MADAAN)
JUDGE

November 17, 2017
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No