

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

**Criminal Appeal No.S-72-SB of 2017 (O&M)
Date of Decision: May 25, 2017**

Sukhpal Singh alias Kala

.....APPELLANT(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. B.S. Jatana, Advocate
for the appellant (s).

Mr. Jashanpreet Singh, A.A.G. Punjab.

SURINDER GUPTA, J.

Appellant Sukhpal Singh @ Kala was convicted and sentenced to undergo rigorous imprisonment for one and half year and to pay a fine of ₹4000/- for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution is that appellant was arrested on 19.10.2013 by the police party headed by ASI Jagjeet Singh of Police Station Boha District Mansa and recovery of 25 kgs 100 gms of poppy-husk was effected from his possession.

Learned counsel for the appellant has not challenged the conviction of the appellant on merits but has confined his submission only for taking a lenient view regarding quantum of sentence. He has submitted that the appellant is a young boy of the age of 31 years. He is not a previous

convict and is the only bread earner of his family. As per custody certificate, he has already undergone 7 months 22 days of imprisonment as on 24.05.2017. He requests for reducing the sentence of the appellant to the period already undergone by him.

Learned State counsel has argued that appellant was found in possession of 25 kgs 100 gms of contraband and the sentence awarded to him commensurate with the offence committed by the appellant.

On perusal of the paper book, I find that appellant is a young person of the age of around 31 years. It has been submitted that he has family comprising of his wife and two children and is the only bread earner of the family. He is also not a previous convict. Keeping in view the above facts, I am of the opinion that lenient view regarding quantum of sentence will serve the ends of justice.

As a sequel of my above discussion, this appeal is partly allowed. Conviction of the appellant for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, as recorded by the trial Court is maintained. Keeping in view the age, antecedents and the nature of offence committed by the appellant, the sentence awarded to him is reduced from rigorous imprisonment for one and half years to rigorous imprisonment for one year. However, the sentence of fine as awarded by the trial Court is maintained.

May 25, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No