

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

**CRR No.2138 of 2017 (O&M)
Date of decision : August 31, 2017**

Surender Singh @ Baj

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jagjit Pal Singh Sarao, Advocate for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Custody certificate of the petitioner has been filed in the Court today and the same is taken on record.

The allegations against the petitioner is that 800 grams of poppy straw were recovered from his possession. For which, he was convicted for the commission of offence punishable under Section 15 of the Narcotic Drgus and Psychotropic Substances Act, 1985 and sentenced to undergo rigorous imprisonment for six months and to pay a fine of ₹2,000/-, in default of payment of fine to further undergo rigorous imprisonment for one month by the learned Addl. Chief Judicial Magistrate, Kurukshera, vide judgment of conviction dated 27.07.2016 and order of sentence dated 28.07.2016. His conviction and sentence were upheld in appeal by the learned Sessions Judge, Kurukshera, vide judgment dated 18.05.2017.

As per custody certificate, the petitioner has undergone actual sentence of four months thirteen days including remission.

The quantity of poppy straw recovered from the petitioner is non-commercial.

Learned counsel for the petitioner does not press the present revision on merits and prays for showing leniency in the sentence.

Considering the fact that the petitioner is not a previous convict under the NDPS Act, 1985 the sentence awarded to the petitioner of rigorous imprisonment for six months is reduced to the period already undergone by him.

With the abovenoted modification, the present revision petition is dismissed. The petitioner be released forthwith, if not required in any other case.

(KULDIP SINGH)
JUDGE

August 31, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No