

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

CRA-S-420-SB-2005

Date of Decision:- 07.10.2017

Joga Singh

.....Appellant

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Aman Dhir, Advocate
for the appellant.

Mr. C.L. Panwar, Sr. DAG, Punjab.

RITU BAHRI, J. (Oral)

Present appeal has been filed against the judgment of conviction and order of sentence dated 26.10.2004, passed by the learned Special Court, Kapurthala whereby he has been convicted for a period of three years under Section 18 of The Narcotic Drugs and Psychotropic Substances Act, on account of recovery of 1 Kg of opium without any permit or licence on 30.01.1986.

Brief facts of the case are that on 30.01.1986 SI Jagir Singh along with ASI Attar Singh and some other police officials was going from the police station Subhanpur towards village Nadla, Lakhan-Ke- Padde, Bamuwal and Khanpur etc. When the police party reached near the chowk of Bus Adda Lakhan Ke Padde a person, who was carrying a Jhola in the

right hand, was found standing. On seeing the policy party, he at once sat down and he was apprehended of suspicion. On enquiry, he disclosed his name as Joga Singh son of Rattan Singh, resident of village Ghage, P.S. Verorwal, District Amritsar. When his personal search was conducted, a Jhola containing opium wrapped in a glazed paper was recovered from his possession. 5 Grams of opium was separated as a sample and the remaining opium was weighed which came to be 995 grams. Two separate parcels were prepared and the same were sealed with the seal of SI Jagir Singh bearing impression JS and the specimen of seal taken into possession vide recovery memo. Ruqa was sent to the Police Station and on the basis of which formal FIR was recorded. The accused was arrested.

The trial Court after going through the entire evidence led by the prosecution, came to a conclusion that the accused/petitioner is guilty of the aforesaid offence as the prosecution has succeeded in proving on record its case beyond shadow of any doubt.

On the asking of the Court, Mr. Aman Dhir, Advocate, is appointed as Amicus Curiae, to assist the Court on behalf of the appellant.

Learned counsel for the appellant, during the course of arguments, does not challenge the conviction on merits and restricts his prayer to reduce the sentence of the appellant to the period already undergone by him. Moreover, the present appeal was admitted on 21.03.2005 and sentence of the appellant was suspended after he has undergone one year and two months, out of the total awarded sentence of three years.

Learned counsel for the appellant, however, further contends that the occurrence in this case pertains to the year 1986 and period of almost 30 years have already gone by. Appellant has already suffered the agony of protracted trial, spinning over a period of time. The appellant is a first time offender. No other case is pending against him.

Having examined the impugned judgment, no illegality, much less irregularity has been found therein warranting interference by this Court. Accordingly, the same is upheld. However, a lenient view can be taken on the quantum of sentence of the appellant.

Accordingly, keeping in view the submissions made by the learned counsel for the appellant, it is a fit case where the sentence qua imprisonment is liable to be reduced to already undergone by the appellant. Hence, the conviction of the appellant under Section 18 The Narcotic Drugs and Psychotropic Substances Act is maintained and the sentence qua the imprisonment of the appellant is reduced to the period already undergone by him.

With the above modification, the present appeal stands disposed of.

October 07, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No