

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

CRA-S-1815-SB of 2004 (O&M)

Date of Decision: 07.03.2018

Sarabjit Singh

. . . Appellant

Versus

State of Punjab

. . . Respondent

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

Present: Mr. Veneet Sharma, Advocate
for the appellant.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. Madaan, J. (Oral)

Sarabjit Singh @ Saba was convicted by Judge, Special Court, Amritsar, for offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 vide judgment/order dated 10.09.2004, he was sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/- and in default of payment of fine, to undergo further rigorous imprisonment for a period of 15 days.

As per prosecution story, on 11.02.2003 when at about at about 04.15 p.m. a police party led by ASI Baldev Singh while being present near Mata Kaulan Hospital, apprehended the accused, who was found in possession of 14 grams of smack. He was accordingly arrested in

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this case. After completion of investigation and other formalities, the accused was sent up to face trial, which resulted into his conviction as mentioned above.

Feeling dissatisfied with the said judgment of his conviction and order of sentence, Sarabjit Singh @ Saba Singh has approached this Court by way of filing an appeal, which was admitted on 21.09.2004. Sentence of the appellant was suspended vide order dated 02.11.2004.

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

At the very outset, learned counsel for the appellant has submitted that he does not challenge the impugned judgment on point of conviction but wants to make submissions as regards the sentence part. He states that the appellant has already undergone more than three months out of substantive sentence of six months imposed upon him. Furthermore, appellant/convict was aged about 33 years at the time of incident, he is married, having children, that more than 13 years have elapsed from the date of judgment passed by the Court below and till date has not indulged in any criminal act. More so, he did not have any previous criminal record. Therefore, a lenient view in the matter be taken.

A perusal of the custody certificate, filed by the learned State counsel, goes to show that the appellant has undergone total sentence of three months and one day. There is no involvement of the appellant in any other criminal case.

In view of the facts and circumstances of the case and the contentions put forth by the counsel for the appellant, I am of the view

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that ends of justice shall be adequately met if the sentence of imprisonment is reduced to one already undergone by the appellant while in custody in this case, whereas the fine part is kept as intact.

It is ordered accordingly.

With such modification in the sentence part of the impugned judgment, the appeal stands disposed of.

[H.S MADAAN]
JUDGE

March 07, 2018
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No